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New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Duval
	China	Mr. Shen Guofang
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mr. Uanivi
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kuchynski
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2000/529)

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00-47709 (E)

The meeting was called to order at 11.50 a.m.

Tribute to the memory of the President of the Syrian Arab Republic

The President (*spoke in French*): At the outset of this meeting, I should like, on behalf of the Security Council, to express sorrow at the death of the President of the Syrian Arab Republic, His Excellency Mr. Hafez Al-Assad. President Assad, a statesman committed to the greatness of his country and the destiny of the Arab nation, devoted his life to serving his country with great dedication. He also worked hard to contribute to the search for a comprehensive, just and lasting solution which all the peoples of the Middle East are waiting for.

On behalf of the Council, I should like to convey to the Government and the people of the Syrian Arab Republic and to the bereaved family deep condolences.

I now invite the members of the Security Council to stand and observe a minute of silence in tribute to the memory of President Hafez Al-Assad.

The members of the Council observed a minute of silence.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2000/529)

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina.

There being no objection, it is so decided.

I invite Mr. Klein to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina, document S/2000/529.

I should like to draw the attention of members of the Council to document S/2000/486, letter dated 23 May 2000 from Portugal.

At this meeting, the Security Council will hear a briefing by Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina. I am pleased to give him the floor.

Mr. Klein (*spoke in French*): I am honoured to be here to brief the Security Council in my capacity as Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina. At a time when the role and achievements of the United Nations in the settlement of inter-ethnic conflicts are the object of close scrutiny by the international community, I am pleased to report that the United Nations Mission in Bosnia and Herzegovina (UNMIBH) has resolutely embarked upon the proper path and that it is making most impressive progress.

(spoke in English)

Before turning to the progress of UNMIBH, I must emphatically reject two allegations that have gained currency in public discourse and that have a bearing on our mission: first, the claims by some commentators that the United Nations is unable to perform the tasks of the "new international peacekeeping" in this period of inter-ethnic conflict and failed States; and secondly, that self-sustaining peace in Bosnia and Herzegovina will require decades, not years.

It should be recalled that in the former Yugoslavia, which is in some senses a paradigm of the failed State and inter-ethnic conflict between populations emerging from non-democratic traditions, only two international peacekeeping missions have finished successfully. From the beginning of the Yugoslav conflict, the ground-breaking United Nations

Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia ensured that war did not spill over into that fragile republic. And from 1996 to 1998 the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), with the strong support of the Security Council, a robust force structure and a clear mandate under a single chain of command, successfully retained the multi-ethnic character of the region of Eastern Slavonia as it was transitioned back to Croatian control.

Those two missions, one regrettably forgotten by commentators and the other often overlooked, demonstrate that with the right mandate, resource support and organizational structure, the United Nations has the ability and experience to manage complex conflicts. I do not deny that the international community faces a steep learning curve in meeting all the new challenges of peacekeeping. But, as a general, an ambassador and an operational peacekeeper, I can honestly say that no organization I have been involved with is further along on that learning curve than the United Nations. It is my firm commitment to the Security Council that UNMIBH will add another successful mission to the much overlooked list of United Nations successes.

The second claim I reject is that it will take decades of intensive and expensive intervention before the international community will finally conclude that the creation of a sovereign, democratic and multi-ethnic State of Bosnia and Herzegovina is somehow "mission impossible". I suggest that avoiding that outcome depends almost entirely on our own policies and actions.

The people of Bosnia and Herzegovina are now living in a kind of Balkan no-man's land, unsure of their identity and of their place in the modern world. For centuries, the decisions which affected them were made in someone else's court: Istanbul, Vienna or Belgrade. Their region was the historical political and religious fault-line between Europe and the Orient. It was where the military borders were drawn. Consequently, they were unable to participate in the democratic evolution of Western Europe. Their development was frozen in the political construct of group rights, not individual rights protected under the rule of law. And they were open to manipulation and chauvinism which, three times in the past century, necessitated massive international intervention and tempo-centric solutions that carried the seeds of even greater conflicts in the coming years.

The international community has a historic opportunity to put an end to the cycle of regional instability and external intervention, but it requires bold solutions and major steps. Bosnia and Herzegovina must not continue to be confined to the fringes of Europe. It needs to be brought into a larger European space where it can be given the attention, encouragement and mentoring it requires to become a stable and self-sustaining member of the wider region.

Everything we are trying to do depends on making a credible commitment, now, to Bosnia and Herzegovina's entry into Europe. From refugee return — why would any refugees in Europe want their children to grow up in a Balkan no-man's land? — to keeping youth in the country and not in visa queues; from seriously attacking cross-border crime to breaking the hold of extremist politicians and partitionist tendencies: it all depends on changing the optics of this country, and of its neighbours, away from parochial sectarian divisiveness by giving them regional identity and inclusiveness.

The solutions that have worked inside Western Europe to defuse ethnic separatism should be applied to the Balkans. We should not fear that this will open the floodgates to undesirable elements. The reality is that the undesirable Balkan elements are already in Europe. Keeping the ordinary citizens out of Europe only denies us their cooperation in fighting our common problems: political extremism; organized crime; trafficking in people, drugs and arms; and illegal immigration.

Moreover, imposing strict conditionality on entry into Europe merely plays into the hands of those politicians who do not wish to be brought under the intrusive scrutiny of European legal and human rights institutions. The dysfunctional triumvirate model of political organization in Bosnia and Herzegovina, exemplified by the failure of the three Presidents to uphold their commitments made before this Council in the New York Declaration, enables one or the other politician to ensure that the conditions set will never be met.

Regrettably, five sets of internationally run elections in five years have not yet had the desired effect of empowering democratic leaders who place the interests of all the citizens of Bosnia and Herzegovina

above their own. Even though the people themselves are tired of political exploitation — as is evidenced by the strong popular support of the international community every time local officials are removed from office — during election campaigns the three main nationalist parties consistently feed off each other, denying political space to alternative parties and candidates. No local election has yet been fought on non-ethnic and non-ideological grounds. Too many elections can be as debilitating and demoralizing as too few.

Despite this, we should not be pessimistic, far from it. The progress that has been made in the face of entrenched political obstruction has been substantial. But it has been expensive, arduous and slow. At a time of many calls on the attention and resources of the international community, it is necessary to plan the next steps in the Balkans on the basis of objective analysis. If you keep doing what you have been doing, you will keep getting what you have got.

Let us recognize that the strategy of exclusion from Europe together with piecemeal military intervention has been a failure. We need to have as much vision now as our fathers did when they successfully planned the reconstruction of Western Europe after the Second World War. Bosnia and Herzegovina is not mission impossible, and it does not have to be a never-ending story, if we get our own policy settings right and pursue vigorously the target of European political inclusiveness.

I turn now to the work of UNMIBH. The Secretary-General's report, which is before you, details key achievements made by a mission that is dynamically on course. There has been tangible progress in all our core mandate areas of police restructuring, police reform and judicial reform.

Last Tuesday, 6 June 2000, at Sarajevo airport, we inaugurated the multi-ethnic State Border Service of Bosnia and Herzegovina. This is the first and only executive agency operating under the joint State institutions rather than the ethnically based entities. It is a major step towards building State identity, combating national and transnational crime and illegal immigration and preparing for entry into Europe.

On 5 June, I inspected the successful physical integration of the Ministry of the Interior in the Herzegovina-Neretva canton and welcomed the appointment of 70 judges and prosecutors to new multi-ethnic judicial institutions. UNMIBH has led the way in enabling Croats and Bosniacs to work together on the west side of the divided city of Mostar for the first time since the beginning of the war.

In April 2000, the first Bosnia and Herzegovina United Nations civilian police contingent was deployed to East Timor, where they are performing well. As a further demonstration that even former combatants are willing and able to work together harmoniously and effectively, we are now training 16 military officers to serve as United Nations military observers, and we have begun preparations to create a multi-ethnic logistics and engineering company for future United Nations missions from all three sides.

On 20 January, we inaugurated the multi-ethnic Brcko district police force. The ethnic composition of the force reflects the evolving demographics of the district — 45 per cent Serbs, 37 per cent Bosniacs, 16 per cent Croats and 2 per cent other — in a unified force, but the hiring of individual police officers was based strictly on professional competence.

Also in January, the ethnically separate Federation anti-terrorist specialist police units were restructured and physically integrated. Within the coming weeks, restructuring and retraining of the equivalent units in the Republika Srpska will be completed, and they will be transferred from SFOR supervision to civilian control under UNMIBH monitoring.

These tangible and important results that have been achieved over the past six months are only one part of the overall work of UNMIBH.

One of the yardsticks by which UNMIBH's ultimate success will be measured is its contribution to changing the composition of the police forces to better reflect the multi-ethnic communities they serve and to provide confidence for minority returnees. We have placed the highest priority on the recruitment, deployment and transfer of minority police officers.

By the end of this October, over 600 minority cadets will have been trained or be in training in the two police academies we established last year. This progress is encouraging, but clearly it is not sufficient. We need more to have a quicker and more substantial impact.

The Ministerial Consultative Meeting on Police Matters (MCMP) that we established in March is

starting to produce results. The basic conditions of employment for returning minority police officers have been settled. The first list of such officers is being processed. Moreover, the respective Ministers of the Interior have now requested that the MCMP agenda be expanded to include police cooperation in other areas, such as fighting illegal immigration.

I am pleased to report excellent progress in data collection and initial screening for the Law Enforcement Personnel Registry that we established last November to register and conduct background checks on all police personnel throughout the country. Last week we reached over 10,500 registrations, out of a total force of some 20,000.

The second phase of this project is beginning. All re-registered police will be tested, detailed background checks will be conducted and final certifications will be made. Concurrently, this process is assisting us to determine accurately the correct ethnic composition of the respective police forces and to identify displaced officers for possible return to their places of origin.

Minimizing political influence by creating a professional civil service is a serious challenge for all international efforts throughout Bosnia and Herzegovina. The Police Commissioner programme that has been introduced in the Brcko district and in the State Border Service has established the precedent of a single chain of command under a professional and independent police commissioner who is selected on merit, not ethnicity.

This is a quantum leap away from the current administrative structure of every joint institution which is a "rotating ethnic triumvirate" of political appointees, a model ensures that there is no accountability, no responsibility and no continuity. Establishment of a police commissioner post, filled through open competition, is a major step forward for a professional civil service and administration.

We are also working to ensure objectivity in the judicial system, which has been rendered dysfunctional through political intimidation and lack of enforcement of decisions. However, the court police project remains in its initial stages, hampered by a lack of resources and legislative authority. The establishment of court police is absolutely essential to complement the judicial reform process. Until citizens know that witnesses will be protected and court decisions will be enforced, even an effective police force and an independent judiciary will not be able to guarantee the rule of law.

The role of UNMIBH with respect to refugees and displaced persons is to monitor police actions in establishing a safe environment for their return. The International Police Task Force (IPTF) monitors evictions, compiles comprehensive data on return-related incidents and assists the local police to develop comprehensive security plans against ethnically motivated intimidation and crime. In a period of major spontaneous returns to difficult areas, such as Prijedor and Gorazde, our role is an essential complement to the excellent work of the Office of the United Nations High Commissioner for Refugees.

In all of these endeavours our focus is to ensure that police performance meets professional standards. This requires co-location of IPTF officers with local police for the purpose of monitoring and mentoring and the provision of training. In 1998, UNMIBH had 25 IPTF liaison officers in police stations. As of last week, over 700 IPTF officers were providing day and night oversight in 256 of the 318 local police stations in Bosnia and Herzegovina.

But the key to self-sustaining police reform is professional training. The excellent performance of local police during the recent municipal elections demonstrates that our training is working. We have now completed our essential programme of human-dignity and transitional training for every local police officer to be aware of the basic requirements for democratic policing. Henceforth, IPTF will provide such training only to local police trainers, who will then assume the responsibility of training their own personnel under IPTF monitoring, thus freeing our resources for more extensive co-location.

Our aim is to create an effective educational infrastructure within one year so that the local police can become self-sustaining in their training programmes. Our focus on train-the-trainers programmes has already resulted in local police instructors teaching the basic cadet training courses at the two police academies. The next step is to extend this to specialized areas such as management, community policing, firearms and traffic.

Let me now turn to UNMIBH's work in the area of judicial reform. As I have often said, if police reform is not accompanied by judicial reform, it is like trying to clap with only one hand. Regrettably, the

excellent judicial system assessment programme will be brought to an end towards the end of this year, at a time when there is a need not only to continue judicial reform in Bosnia and Herzegovina but, indeed, to quicken the pace. It is imperative that there should be no gap when this programme is handed on to another organization. Those entrusted with this programme and with the new judicial review process must be competent professionals who have the confidence and trust of the local judicial community. The overall management of the judicial reform and review should remain the responsibility of the Office of the High Representative, which should be assisted by another expert international organization. We favour the Council of Europe, or, to completely preserve continuity, expertise and resources, the United Nations Development Programme is another possibility.

The Council of Europe is an ideal partner because it was influential in the gestation of JSAP and is familiar with its work. It is active in judicial reform, including the drafting of key legislation in Bosnia and Herzegovina and the development of norms and standards for European judicial systems generally. A field presence of the Council of Europe would significantly add to its ability to contribute to law drafting and the judicial reform process.

We understand that the Organization for Security and Cooperation in Europe (OSCE) is also a possible candidate as an organization to succeed the judicial system assessment programme. This requires cautious consideration for two main reasons. The local history of the OSCE in this area of work has been characterized by arbitrary decisions to cut successful programmes, which have resulted in a significant loss of credibility with the local community; and its staffing and recruiting policy militates against recruiting personnel with the necessary skills and experience. The cost of a continuing programme — whoever runs it — is approximately $1.5 million. We believe that the Council of Europe could attract such support.

The progress that UNMIBH has made has brought us to the point where, alone among the international agencies, we can begin to envisage an end stage for our particular slice of the international mandate in Bosnia and Herzegovina. We are preparing a medium-term plan for the fulfilment of our core mandated tasks by December 2002. Last month, I convened a weekend strategy-planning workshop of all senior field personnel to develop specific integrated objectives for the coming six months, and modalities to reach those objectives. Tangible benchmarks were established for each field office, together with performance indicators. The workshop was also instrumental in the development of a major IPTF reorganization designed to put more IPTF officers in co-located positions in sensitive areas in the field.

Through these measures I am seeking to ensure that our organizational structure and culture is performance-oriented and results-based, and to extend this approach to the work of each of our personnel. This will also enable us to constantly review resource levels with a view to progressively reallocating and reducing them as programme objectives are met. The work we have done in our train-the-trainers programme is one example of this strategic approach.

This concludes my briefing on the achievements and plans of UNMIBH. Permit me briefly to comment on other matters affecting our work.

So much of the international effort in Bosnia and Herzegovina has been about physical reconstruction. The Peace Implementation Council has now set its sights on repairing the institutional infrastructure and concentrating on economic and corruption-related issues. This is an essential and timely endeavour. But it is my conviction that we must also not neglect the importance of social reconstruction. This is why I have been advocating several key projects to foster the development of State identity and social reconciliation.

I strongly support the development of a Bosnia and Herzegovina national university consisting of multiple campuses with international accreditation. We must give the young people a path to the future and entry into the modern world so Croats will not go to Zagreb and young Serbs will not go to Belgrade. Otherwise, Bosnia and Herzegovina will lose its best and brightest hopes for the future.

Restoration of a spirit of religious tolerance is essential for the long-term future and distinctive identity of Bosnia and Herzegovina. It is my hope that an international benefactor will come forward to endow a cornerstone inter-religious project involving the simultaneous reconstruction of four historic places of worship to symbolize the rejuvenation of the spirit of religious tolerance that dominated the history of this region for all but the past century.

I have also supported efforts to reconstruct the Sarajevo-Pale road. The collapse last year of the main artery between the eastern Republika Srpska and the national capital sent a symbolic reminder of wartime separation. It must not be allowed to continue because of lack of funds.

In the time available I have been able to highlight only some of the achievements of the past six months. UNMIBH's tasks are complex and labour-intensive. Real progress is being made, but there are severe challenges ahead, including accelerating the rate of minority returns, particularly to the Republika Srpska, and bringing the eastern part of the Republika Srpska into the national domain as a constructive constitutional partner. Also, we are mindful that we function in a broader environment in which responsibility for peace implementation is shared among a number of actors, and that much of what we do, individually and collectively, is strongly affected by developments in the wider region.

I have consistently maintained that as long as there are not democratic regimes in Zagreb and Belgrade, everything we seek to do in Bosnia and Herzegovina is problematic. The accuracy of this analysis was underlined in the release of recordings from 1999 of the late President Tudjman's instructions to senior Bosnian Croat officials, who were told to play along with the international community while continuing to work for partition. The change of Government in Croatia has already had a major, beneficial impact on our work in areas such as Mostar.

The Milosević regime in Serbia remains the fundamental obstacle to improved regional peace and stability and a better life not only for the Serbs but for all people there. If I were to identify three international priorities of an essentially political nature for bringing self-sustaining peace to Bosnia and Herzegovina, I would choose entry into European institutions; the strongest possible measures to encourage and support democracy in Serbia; and more intensive efforts to apprehend war criminals. Until one identifies and punishes the guilty, one can never absolve or free the innocent.

(spoke in French)

The events that occurred last year once again showed that tangible progress is possible, but that if it is to be achieved, intensive, coordinated and robust commitment is necessary at the international level. I am fully aware of the urgent needs for human and financial resources for peacekeeping in other parts of the world. But it is with the continued support of the Council, as well as through the dynamism and determination of the men and women working on the ground for the United Nations, that UNMIBH's basic mandate can be discharged in the next two and a half years. For the time being, I believe that we have to stay there so that we can leave later.

Next month we will move into our new headquarters, United Nations House. That House will include most of the United Nations family in Sarajevo. Using the money that we saved by terminating our very expensive leases on the five different locales we had been renting, we have restored and are now using a dormitory that had been bombed, which will later be returned to Sarajevo University.

I take this opportunity to invite members to the inauguration of the new United Nations building in Sarajevo. Citizens of 13 States members of the Council and 60 other nationalities are working for UNMIBH in Bosnia and Herzegovina. We are witnessing international cooperation for peace. I encourage members to come see for themselves what their compatriots are doing in support of international peace and the United Nations.

In a region that remains unstable and tense, I actively urge members to abide by their commitment to a sovereign, multi-ethnic and democratic Bosnia and Herzegovina strongly anchored in its European context. The Security Council should not grow weary in any respect whatsoever, be it in compassion, politics or contributions. It should give us the tools and we will complete the job.

The President (*spoke in French*): I thank Mr. Klein for his invitation to members of the Council to come see for themselves the work accomplished by the United Nations Mission in Bosnia and Herzegovina.

I should like to say that, as is customary, yesterday I had a meeting with representatives of the troop-contributing countries. Their comments and questions dealt with the criteria for selecting international police officers, including the criterion for the working language, and the creation of the police service for the courts. The Special Representative was present at that meeting and provided answers to these questions. In addition, I am very pleased to say that,

during the meeting, some countries announced that they would be increasing their contributions.

I now call on members of the Council.

Mr. Cappagli (Argentina) (*spoke in Spanish*): I should like to thank to the Secretary-General for his report and his Special Representative, Mr. Klein, for his eloquent and positive briefing.

As the Secretary-General has indicated in his report, stable peace cannot exist without appropriate mechanisms to promote the rule of law. Hence, the progress in the police and judicial areas described in the report is particularly important.

With respect to the police, we would stress, *inter alia*, the following progress: the establishment of the multi-ethnic police core in Brcko; the integration into the Federation of the specialized police units of Bosniacs and Croats; training in combating organized crime, corruption and prostitution; and the institution of a single chain of command by establishing a police commissioner post in cantonal police services, particularly in the canton of Sarajevo and to the Federation Ministry of the Interior. I would also highlight the decision taken by the Cantonal Assembly of canton 7 to endorse an UNMIBH-brokered agreement that enables Bosniacs to work with their Croat counterparts in west Mostar for the first time since the war.

Nevertheless, much remains to be done, particularly in order to achieve adequate representation of minorities in local police forces, both in the Republika Srpska and in the Federation.

With respect to the judiciary, I wish to convey our appreciation for all the efforts made by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) to implement the judicial system assessment programme. Since the programme will be coming to an end in December 2000 and the judicial system throughout Bosnia and Herzegovina remains inadequate, we must ensure that the assessment of the judicial system by the Mission is transferred smoothly to some other organization that will be equally efficient and make use of the experience acquired and build on the progress achieved by UNMIBH.

We feel that one achievement in particular deserves to be noted: the recent establishment of the State Border Service, which had long been pending.

We still need to give a lot of attention to the return of refugees and displaced persons, particularly minorities, to their homes. If adequate security is not provided, it will be difficult to accelerate the process of return.

As the report indicates, UNMIBH has begun the preparation of a strategic and operational framework for the fulfilment of its core mandate by December 2002. Since the Mission will not be staying in Bosnia and Herzegovina indefinitely, it is essential that the people and their leaders do their utmost to create and consolidate impartial and democratic institutions appropriate to a modern State.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are grateful to the Secretary-General for his report and to Mr. Klein for his briefing and thorough assessment of the situation in Bosnia and Herzegovina.

We note that there have been some important positive changes in that country that give grounds for optimism. The key to the success and irreversibility of the process of the Bosnian settlement is full and consistent compliance with the Dayton Peace Agreement. We deem any attempted revision of that document to be inadmissible. It is solely on the basis of its implementation that any viable, multi-ethnic State can evolve, consisting of two equal entities and in respect for the rights of all peoples of that country.

The United Nations Mission in Bosnia and Herzegovina (UNMIBH) has made an important contribution to that process. Thanks to its efforts, it has been possible to strengthen the rule of law in Bosnia and Herzegovina, to enhance the professionalism of the local police and reorganize it on a multi-ethnic basis, and to achieve a certain amount of progress in reforming the judicial system and in establishing a unified Border Service.

Positive changes are occurring in Brcko. Unified structures within the Ministry of the Interior in Mostar. In this way, a meaningful contribution has been made to the building of democratic institutions of authority in Bosnia and Herzegovina. However, positive trends towards development, including the consolidation of statehood and the growth of pluralism in social life, should not give the international community any grounds for complacency. We note that this point was just made by Mr. Klein.

Unfortunately, a certain type of action and thought based on ethnic approaches continues to prevail in Bosnia and Herzegovina. Ethnic confrontation and ethnic discrimination persist. Despite the success of moderate forces in the municipal elections, the prevalence of nationalist parties has not been eliminated in Bosnia and Herzegovina. We cannot fail to be concerned by the fact that efforts to create effective central structures of authority are being blocked by the passivity of the unified institutions, which have no will or initiative to build consensus on reconciliation. It is extremely important to seek the further democratization of society in order to overcome any resumption of political extremism and to achieve the support of the independent media.

Due to the inactivity of Bosnian politicians, there is an acute problem relating to the return of refugees, approximately 300,000 of whom remain outside the country.

We need to continue to reform the armed forces and reduce the defence budget. Constant attention should be given to economic reform, which is being complicated by a reduction in the level of international assistance. Additional efforts should be made to attract foreign investment flows and to combat organized crime and corruption.

In the light of the experience in Bosnia and Herzegovina of the International Tribunal for the Former Yugoslavia, our highest priority remains freeing its activities from elements of politicization and short-term interests. We have repeatedly made this point recently.

The violation of the mandate of the Stabilization Force should be brought to an end. Such violations are taking the form, in particular, of the deliberate use of force to arrest people.

I also wish to note that the failure to invite the Federal Republic of Yugoslavia to the Brussels meeting of the Peace Implementation Council, which was held on 23 and 24 May, was a serious blow to the entire Dayton structure, I should like to recall that the Federal Republic of Yugoslavia is one of the parties to the Dayton Peace Agreement and is an essential guarantor of its implementation.

We are convinced that, unfortunately, the failure to invite the Federal Republic of Yugoslavia to the Brussels meeting of the Peace Implementation Council will have a negative impact. Recognizing that fact, and not wishing to bear the responsibility for it, Russia was compelled not to participate in the Brussels meeting.

We confirm our position that any attempt, under any pretext, to isolate the Federal Republic of Yugoslavia from the processes relating to the settlement of the situation in Bosnia, Kosovo or the Balkans as a whole would be counter-productive and lead only to the further accumulation of problems, which could precipitate a new crisis.

In conclusion, I should like to say that Russia, as one of the main participants in the Bosnia settlement, will continue to make an active contribution to the development of the peace process in Bosnia and Herzegovina and will support the activities of the United Nations Mission in Bosnia and Herzegovina, in strict compliance with the Dayton Peace Agreement.

Mr. van Walsum (Netherlands): I, too, would like to thank the Secretary-General for his report on the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and Special Representative Klein for his encouraging briefing. Five years have passed since the signing of the Dayton/Paris Accords, and during that time much has been achieved in terms of stabilization and reconstruction.

The international community has not let the call for assistance go unheeded. It has contributed $5.1 billion to the reconstruction of Bosnia and Herzegovina. Apart from financial assistance, we are indebted to the indefatigable efforts of the men and women serving in UNMIBH and the Stabilization Force (SFOR).

As was noted by several participants in the 23 and 24 May session of the Peace Implementation Council, Bosnia and Herzegovina today stands at a crossroads. Now that reconstruction and stabilization have been achieved, all efforts should be focused on a new institutional infrastructure. The leadership of Bosnia and Herzegovina must play a leading role here and should finally begin to meet this challenge. In this respect, much more could have been achieved over the past few years. It is the hope of my delegation that the leadership of Bosnia and Herzegovina will at last rise to the occasion and devote all of its efforts to comprehensive nation-building.

In this context, let me identify three areas which require immediate attention and action. First, with

regard to the political domain, as we have stated many times before, Bosnia and Herzegovina needs functioning and democratically accountable common institutions. What we expect from the Bosnian authorities is the political will and leadership to bring this about.

Secondly, with regard to the field of economic reform, we must admit that not much has been achieved. Rather, we have witnessed a continuation of the economic status quo, which seems to serve both economic and political vested interests. We believe that a breakthrough can be achieved through privatization. We therefore call for a quick, equitable and transparent privatization process.

Thirdly, with regard to the return of refugees and displaced persons, the Secretary-General notes in paragraph 24 of his report (S/2000/529), that, according to the Office of the United Nations High Commissioner for Refugees, minority returns quadrupled in the first quarter of this year, from 1,711 in 1999 to 7,300. In itself, this is a welcome development. But the Secretary-General also notes in paragraph 35 of his report that the rate of return is still unsatisfactory and far below expectations, especially with regard to areas where such returnees would now constitute a minority.

In the view of my delegation, all the authorities concerned, at all levels — in particular, at the local level — should give the highest priority to the question of the return of refugees and internally displaced persons. By the same token, the Netherlands pays tribute to the Special Representative and to UNMIBH for their commitment to this important matter.

Finally, we share Mr. Klein's enthusiasm about the establishment of the State Border Service. But we would like to take this opportunity to recall — and I will not try to conceal my delegation's growing impatience in this respect — that the Netherlands has offered to contribute to the operational costs of the State Border Service, on the condition that these costs appear in the national budget. Up until now, this simple condition has not been met. The question of the State Border Service is just one instance of the sort of renewal of the institutional infrastructure in Bosnia and Herzegovina that the international community is eagerly waiting for.

Miss Durrant (Jamaica): My delegation wishes to thank the Secretary-General for his report and the Special Representative, Mr. Jacques Klein, for his comprehensive briefing on the United Nations Mission in Bosnia and Herzegovina (UNMIBH). We agree with the Secretary-General's assessment that, nearly five years after the end of the war, peace is taking root, but that ultimately the success of the Mission's work depends on the cooperation of the people of Bosnia and Herzegovina. The report concludes that acceptance of accountability and responsibility by local leaders is crucial to this endeavour.

It is against this background that my delegation commends the Special Representative and the men and women of UNMIBH for their commitment to implementing the Mission's mandate to assist parties to the peace agreement in their obligations to provide a safe and secure environment for all persons in their respective jurisdictions by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms.

We are pleased to note the efforts to restructure and reform the police force, the screening of law enforcement personnel and the incremental progress being made in changing the composition of the police force to reflect the multi-ethnic character of the communities it serves. We attach importance to the continued emphasis on the training of police officers and agree that the key to self-sustaining police reform is professional training.

We appreciate, however, that more needs to be done in increasing the recruitment of minority police officers. We have noted from paragraph 37 of the report that UNMIBH still requires some $40 million to support the operations of the State Border Service, to sustain police restructuring, including minority recruitment, and to attain a minimum standard of police efficiency and competence in specialized areas, including management. We therefore join Mr. Klein in his appeal for additional funds and generous contributions to the Trust Fund.

We also agree with the Special Representative that there is one gap in the progress that we have noted that must be filled. This is in the area of judicial reform. We were concerned to learn from the report that the judicial system assessment programme has found that the entire judiciary is, to a greater or a lesser degree, politically, professionally and structurally

dysfunctional throughout Bosnia and Herzegovina. If UNMIBH is to fulfil its mandate, the judicial system must be comprehensively reformed. It cannot be left to chance. It is therefore important that international assistance for this programme be maintained.

My delegation is pleased to note that UNMIBH's components have begun the preparation of a strategic and operational framework for the fulfilment of the Mission by December 2000, and we sincerely hope that by that time the organizational structure of the police forces will incorporate the necessary mechanisms to ensure an acceptable amount of accountability and transparency, as well as freedom from political interference. For this to be accomplished, UNMIBH must be able to count on unwavering support from the people and the political leaders of Bosnia and Herzegovina.

Another issue that my delegation wishes to address is the situation of human rights. We note that the UNMIBH human rights office has broadened its approach from investigating individual cases to improving the institutional integrity of the police forces. At the same time, we believe that continued emphasis must be placed on rooting out the trafficking in human beings. We would therefore wish to ascertain from the Special Representative what action has been taken on the report prepared by UNMIBH with the assistance of the Office of the United Nations High Commissioner for Human Rights.

My delegation believes that the future of Bosnia and Herzegovina lies in the creation of common multi-ethnic institutions and the continued normalization of relations between the various ethnic groups. It is in this context that we again emphasize the need for provision of adequate security for returnees and for their reintegration into the country.

In conclusion, I wish to underline Jamaica's support for the extension of UNMIBH's mandate in order to consolidate the gains already made and to address the challenges that remain.

Mr. Duval (Canada) (*spoke in French*): We thank the Secretary-General for his report and Mr. Klein, the Special Representative of the Secretary-General, for his statement. We are grateful to the diplomats and to the General for having reminded us of the essential elements of a peacekeeping operation — a clear mandate, consent of the parties and, above and beyond that consent, their full support for the efforts of the Mission, appropriate resources and, lastly, persistence in implementing the mandate with the difficult arbitration that this requires

In this spirit, the combined efforts of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the Office of the High Representative contribute greatly to stability in Bosnia and Herzegovina and will remain a critical component in international efforts to guarantee a viable and durable peace in the region.

Canada commends the recent inauguration of the State Border Service at the Sarajevo airport and the support that was provided in this regard by UNMIBH and by the Special Representative from the outset. As Mr. Klein underscored, it constitutes an important step towards building the State identity and strengthening common institutions. This service will also provide more effective means to fight smuggling and corruption and will, therefore, bring Bosnia closer to Euro-Atlantic institutions.

We believe that a coherent and integrated strategy is essential to any lasting establishment of the rule of law in Bosnia and Herzegovina. In this regard, Canada wishes to underscore the work and the achievements of the judicial system assessment programme under the auspices of UNMIBH. We believe it will be important to ensure that appropriate follow-up arrangements are made with competent bodies to ensure successful implementation of the recommendations of the judicial system assessment programme.

It is encouraging that progress is being made in changing the composition of police forces, which absolutely must reflect the multi-ethnic character of the communities which they serve. We encourage Bosnian authorities to cooperate fully with UNMIBH in establishing professional, accountable multi-ethnic police forces.

Lastly, the return of refugees and displaced persons to their homes is a top priority. The Bosnian authorities must fully implement measures likely to foster returns, such as the property law, and cease obstructing legal evictions. Progress on this front will be critical in measuring the real commitment of Bosnia's authorities to a lasting peace within the Framework of the Dayton Accords.

The role of the International Police Task Force in this regard is key, and we welcome their success in creating security in some parts of the country.

Mr. Shen Guofang (China) (*spoke in Chinese*): First of all, I wish to thank the Secretary-General for his report and the Special Representative of the Secretary-General, Mr. Klein, for his briefing.

The Chinese delegation supports the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the International Police Task Force (IPTF) in their work. We appreciate and welcome the progress that UNMIBH has made in police reform and police training. We note that this progress has been made under very difficult circumstances.

We feel that progress in the recruitment of ethnic minority police is not that satisfactory. Of course, we note that a lot of efforts have been made by UNMIBH, and we hope that such efforts will continue.

Moreover, progress in the return of refugees is very slow, especially in the ethnic minority areas. This situation is very disappointing. We hope this process will be expedited. The process has been going on for five years. This is not a short period. If it continues to be prolonged, it could change the demographic configuration and further complicate the situation. Therefore, we hope that UNMIBH will make further efforts to expedite this process.

Of course, the achievements of UNMIBH's efforts to a large extent depend on cooperation and political will on the part of the different parties in Bosnia and Herzegovina, for the simple reason that UNMIBH will not stay forever.

In the long run, the solution to the Bosnian problem rests in the hands of the leaders and people of Bosnia and Herzegovina.

Part III of the Secretary-General's report deals with joint activities of the United Nations system. We appreciate the constructive role that the United Nations system and other agencies have played in Bosnia and Herzegovina to achieve peace, reconciliation and peaceful reconstruction.

In our view, there must be coordination and a clear division of labour among United Nations and other international agencies in order to avoid any duplication, overlap, waste of resources or shirking of responsibilities. Mr. Klein's predecessor, Ms. Rehn, in her briefing to the Council, made reference to the progress made in the coordination among these organizations and agencies.

The primary responsibility of UNMIBH rests in the judicial area and in the promotion of democracy. Indeed, greater cooperation and coordination among United Nations agencies would further facilitate progress in those areas.

In view of the requests made by the various parties in Bosnia and Herzegovina and of the fact that UNMIBH has a great deal of work still to do, we are in favour of the Secretary-General's recommendation to extend UNMIBH's mandate and will continue to support its work.

Mr. Chowdhury (Bangladesh): I should like to thank Mr. Jacques Paul Klein, Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, for his very articulate briefing and update to the report of the Secretary-General on developments there.

We had occasion to hear from Mr. Wolfgang Petritsch, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, on 9 May. We supported his prioritization of the requirements of Bosnia for economic revitalization, return of refugees and internally displaced persons, and consolidation of common institutions. It is encouraging to note from the Secretary-General's report that there are visible and encouraging signs that peace is taking root in Bosnia and Herzegovina. The United Nations Mission in Bosnia and Herzegovina (UNMIBH), which has the onerous responsibility of implementing the Dayton Peace Accord, is playing a significant role in achieving these priorities.

We would like in this statement to focus on three main points.

First, UNMIBH has made good progress in its mandated area within the past year. This includes establishment of the State Border Service, a very important undertaking; registration under the Law Enforcement Personnel Registry programme; recruitment and redeployment of minority police personnel; and building of the police institution.

Secondly, the establishment of court police services is still in its initial stages, particularly in the Republika Srpska. This initiative requires further emphasis. Not only is it a constitutional requirement,

but the independence and effectiveness of work of the judicial institutions are dependent on these services.

Thirdly, an essential component of the International Police Task Force is the assessment of the judicial system over a period of two years, which is due to be completed by the end of this year. The findings so far have not been unexpected: the judiciary has been found to be dysfunctional, to a varying extent, politically, professionally and structurally. The work of UNMIBH in the judicial area, which includes its assessment, recommendations and advisory role, has been playing a crucial role in building the judicial system. We believe that UNMIBH should continue to retain the necessary expertise in this area.

It is a matter of satisfaction to note that some positive developments have occurred following the statement made on 22 March during the Bangladesh presidency of the Security Council. The recent breakthrough in the Herzegovina-Neretva canton, which allowed Bosniacs, for the first time since the war, to work in Croat-dominated Mostar, is a good example. The willingness of Croat leaders to make a constructive contribution to the peace process is commendable.

We also appreciate the contributions by Member States to the Trust Funds administered by UNMIBH. Additional funds, however, are necessary to support the operations of the State Border Service and police restructuring, and to improve their efficiency and minority recruitment. We hope that the international community will come forward with generous contributions in these efforts of the Mission.

In conclusion, while supporting strongly the extension of UNMIBH's mandate by another year — that is, until 21 June 2001 — we would like to underscore that the key role of UNMIBH is in the area of police restructuring and of the consolidation of the judicial system. Although some important initiatives have been launched and gains achieved, much of the progress will depend on overcoming factors causing obstruction and delays. We hope that, with the willingness and commitment of all parties concerned, such cooperation will increase and considerable headway in the efforts of UNMIBH will be possible.

Mr. Eldon (United States of America): It gives me great pleasure to welcome Ambassador Klein back to the Council. He has done an outstanding job of reinvigorating the United Nations Mission in Bosnia and Herzegovina (UNMIBH) with a vibrant, results-oriented concept of operations, and we are grateful for his dedication and work.

We fully support the extension of UNMIBH's mandate for another 12 months, and we are encouraged that this extension is backed by a clear strategy for completing the Mission by December 2002. As the Secretary-General makes clear in his latest report, this is a realistic objective that can be reached if we provide UNMIBH with the resources it needs to get its job done.

My Government supports the priorities established by the Peace Implementation Council at its last ministerial meeting — refugee returns, economic reform and the strengthening of State institutions. We have set aside significant resources for work in these areas, including $67.2 million to support minority refugee returns and close to $2 million for the new State Border Service. We will also continue our significant contribution, currently more than 10 per cent of the total force, to the International Police Task Force (IPTF).

We are encouraged by the positive developments referred to in the Secretary-General's report. It is inspiring to see the dramatic increase in refugee returns, even of minority groups to areas that saw some of the most dramatic violence during the war. This would be more than a trend if some Government officials and other individuals would stop blocking the return of these courageous men and women. We must send a clear message that we will not tolerate this obstructionism.

In that regard, my delegation fully supports aggressive use by the High Representative and the Organization for Security and Cooperation in Europe (OSCE) in Bosnia of the mandates provided by the international community. We should seek to remove or restrain all those standing in the way of Dayton's full implementation — the war criminals remaining at large, the organized criminals and the national extremists. In that regard, with respect to the Peace Implementation Council ministerial meeting, I would simply note that the Belgrade regime has done nothing since the December 1998 Madrid ministerial meeting, which it walked out of, to merit its participation in the Peace Implementation Council. The ministerial is, after all, a meeting of those interested in advancing the peace in Bosnia, and that purpose speaks for itself.

We are encouraged by signs that the nationalism and hatred of the past is slowly — albeit too slowly — giving way to new respect for democracy and the rule of law. In that regard, the new democratic Mesic-Racan Government in Croatia has had a positive impact on the Croat community in Bosnia, and we are seeing positive developments in Mostar, which only recently was labeled the most divided city in Europe. We are also seeing slow but continuing progress in setting up the State Border Service, a key element of the New York Declaration agreed to by members of the joint Presidency during their appearance in the Council last November. Certainly, more work needs to be done in the area of joint institutions, and we support the efforts of the international community in Bosnia to reinforce progress in that area.

Finally, let me speak to the issue of judicial reform. My Government commends the work of UNMIBH's judicial system assessment programme over the past two years. It has highlighted critical problems in the Bosnian judicial system and has made important recommendations. Its mandate, however, restricts the programme to passive monitoring and assessment activities. We understand that the Office of the High Representative has drafted a plan for next steps on judicial reform and is working with the Organization for Security and Cooperation in Europe (OSCE) on a programme that can implement the recommendations of the judicial system assessment programme. We continue to believe that the OSCE, with its experience in rule-of-law and judicial-reform issues, and with its extensive field offices in Bosnia, is the organization best suited actively to assist the Office of the High Representative in this mission. We would welcome the addition of the Council of Europe and other regional organizations in an effort led by the Office of the High Representative and the OSCE.

Mr. Hasmy (Malaysia): My delegation is grateful to the Secretary-General for his latest report on the United Nations Mission in Bosnia and Herzegovina (UNMIBH). We thank Ambassador Jacques Paul Klein, Special Representative of the Secretary-General, for his comprehensive and upbeat briefing and commend him for his dynamic leadership and for the efforts he has made in the further implementation of the Dayton-Paris Peace Agreement on Bosnia and Herzegovina.

We are happy to note that UNMIBH continues to make significant contributions in solidifying the establishment of the rule of law in Bosnia and Herzegovina. We fully appreciate the Mission's ongoing efforts to restructure and reform the local police forces in both entities of Bosnia and Herzegovina. We are pleased with the progress made in consolidating the State Border Service and with the operational support extended to it by some Member States.

Another welcome development is the recent breakthrough in canton 7 in respect of the integration of the Ministry of the Interior and the appointment of judges. We also note that further progress has been made in the registration and certification of the local police, and we hope that the target of establishing the first transparent and comprehensive personnel data-bank of all authorized police officers will be reached within the set time-frame. Similar progress has been noted in the recruitment and selection of minority cadets for the police academies.

The role of a professional police force, comprising personnel from the different ethnic groups, is vitally important for Bosnia and Herzegovina. Hence the need to ensure adequate representation of minorities in the local police forces in both entities of Bosnia and Herzegovina. We are therefore seriously concerned at the lack of progress in this area, especially in the case of the police force of the Republika Srpska, less than 1 per cent of which consists of minority officers, which misses the benchmark set in the 1998 Framework Agreement. We hope that progress in this area, as well as in the training of specialized police forces, can be made, with the necessary involvement of UNMIBH and the international community. We also look forward to the early establishment of a court police service in the Republika Srpska, which still lags far behind.

Important contributions by UNMIBH in other areas of the civilian component of the Peace Agreement, such as the assessment of the judicial system and the strengthening of the legal system's respect for human rights, also deserve our commendation. Given the findings of the judicial system assessment programme regarding the current court system in Bosnia and Herzegovina — that the entire judiciary is politically, professionally and structurally dysfunctional — we feel that further determined efforts will be essential to remedy such serious shortcomings. In that regard, we would support further efforts through appropriate arrangements in that vitally important area.

Despite these achievements, much more still needs to be done. The progress made thus far must be further consolidated, and critical remaining tasks must be accomplished so that peace and stability in Bosnia and Herzegovina will be irreversible. We note that the rate of return of refugees and displaced persons, in particular to the Republika Srpska, is still unsatisfactory and far below expectations. Clearly, reconciliation among the Bosnian ethnic communities has a very long way to go.

While economic recovery has begun to take root, it too is below expectations. There must be more tangible progress in all these areas to ensure viable statehood for Bosnia and Herzegovina. The success of the peace process in Bosnia and Herzegovina still depends very much at this stage on the commitment and sustained support of the international community. The continuing active involvement of the international community remains essential. The work of UNMIBH, including the International Police Task Force (IPTF), should continue as the international community strives to ensure a self-sustaining and enduring peace in Bosnia and Herzegovina. We therefore fully support the recommendation by the Secretary-General that UNMIBH's mandate should be further extended for another period of 12 months, until 21 June 2001.

We agree with the Secretary-General that the effective presence of the Stabilization Force (SFOR) is essential. My delegation commends the important role of the international community, particularly that of the High Representative and his Office, the relevant Governments, all the personnel of SFOR and of UNMIBH, and other United Nations agencies, all of whose contributions have been invaluable in facilitating work towards the full implementation of the Peace Agreement. The commitment of the international community and its contribution to the peace process in Bosnia and Herzegovina should be matched by the commitment and full cooperation of the Bosnian leadership and the Bosnian people at every level. For ultimately, the main responsibility for achieving peace, national reconciliation and nation-building lies with them.

Malaysia is proud to be associated with the efforts to build peace and stability in Bosnia and Herzegovina. We will continue to be actively engaged in ensuring the full implementation of the Peace Agreement through our participation in UNMIBH and IPTF, by making available training and other facilities, and by sharing our experience in the field of socio-economic development and in the field of privatization, which has been successfully implemented in Malaysia.

Mr. Kuchynski (Ukraine): I want to thank Mr. Klein for his very comprehensive, informative and encouraging briefing. I wish also to thank the Secretary-General for his latest report.

Since the adoption of resolution 1247 (1999) of 18 June 1999, the progress achieved in Bosnia and Herzegovina in furthering the implementation of the Dayton-Paris Peace Agreement has in fact been substantive. In our view, a significant contribution to the overall success achieved so far by the international community in Bosnia and Herzegovina has been made by the United Nations system of organizations, headed and coordinated by the United Nations Mission in Bosnia and Herzegovina (UNMIBH). My delegation feels that the UNMIBH and the International Police Task Force (IPTF), its core part, continue to play a crucial role in the implementation of the civilian aspects of the Peace Agreement, in particular with respect to establishing mechanisms for the rule of law.

Ukraine commends the work done by UNMIBH during this period in the fields of police restructuring and reform, building common institutions, establishing a judicial system and ensuring respect for human rights. We acknowledge the professionalism of the IPTF staff, who have been carrying out their mandate in the difficult conditions of an authorized strength that had been reduced, mainly because of the additional requirements for Kosovo.

My delegation would also like to congratulate Mr. Klein and the Mission personnel on a number of most important recent achievements in the field of establishing common institutions: the multi-ethnic integration of the parallel police structures and the municipal and cantonal court system in canton 7, the formation of the multi-ethnic Brcko district police force and the inauguration of the State Border Service at the Sarajevo airport just a week ago. Obviously, all these ground-breaking projects have at least one remarkable and noteworthy feature in common: they bring together the representatives of three major ethnicities in their joint endeavours to build a State. We were pleased to learn from the Secretary-General's report that such significant developments towards integration of the police have enabled Croats and Bosniacs to work together in west Mostar for the first

time since the war ended. The significance of the start of functioning of the State Border Service cannot be overestimated.

While praising UNMIBH and IPTF efforts in building common institutions, we fully agree with Mr. Klein that much more has yet to be done in the field of police minority recruitment in both entities, as well as in providing security to the minority returnees. We cannot be satisfied with the increased number of security incidents related to the minority returnees and the issues of their property rights. Such incidents are unacceptable. Undoubtedly, the IPTF and the Stabilization Force (SFOR) should undertake additional measures to remedy the situation. We also believe that more attention should be paid to accelerating the process of cross-border refugee return to Bosnia and Herzegovina and its neighbouring countries.

My delegation notes with satisfaction some positive steps outlined in the Secretary-General's report, aimed at enhancing the coordination of joint efforts between United Nations bodies and other international organizations. Here I mean the idea of handing over in the future the work of the Mission's judicial system assessment programme to an international organization that will be ready to carry on with this programme on the basis of UNMIBH's experience.

My delegation welcomes the Secretary-General's observation in paragraph 34 of the report that all the UNMIBH components have begun the preparation of a framework for the fulfilment of the core mandate of the Mission by December 2002. We take it as a positive sign that the United Nations Mission can fulfil its mandate by that time. Still, we think it is too early even to anticipate the withdrawal of the United Nations Mission from Bosnia and Herzegovina in the near future.

It is well known that there is still a long way to go to make the process of peace and reconciliation, stability and democracy in Bosnia and Herzegovina irreversible. One of the major problems, in our view, is ensuring that the leaders and the peoples of Bosnia and Herzegovina are totally committed to the implementation of the Peace Agreement in full, while realizing that the future of the country is their main responsibility. In this regard, we share certain misgivings expressed at the latest meeting of the Peace Implementation Council in Brussels on the current insufficient level of commitment demonstrated by the Bosnia and Herzegovina authorities to the peace process.

In this regard, we believe that the Council should continue to give its solid support to UNMIBH and strongly encourage the authorities of Bosnia and Herzegovina to demonstrate their firm commitment to the implementation of the Peace Agreement in full cooperation with UNMIBH.

As an IPTF contributor, Ukraine is determined to continue its participation in IPTF activities. As a member of the Peace Implementation Council, my country has endorsed the three priorities for Bosnia for the next 18 months, as identified at the Peace Implementation Council meeting: specifically, pursuing market-economy reforms, accelerating refugee return and strengthening State democratic institutions. We call on the authorities of Bosnia and Herzegovina to ensure their implementation.

In our view, four and a half years of UNMIBH activities have been a worthwhile effort, since they have brought undeniable results, and the overall situation in Bosnia and Herzegovina seems to be quite promising. At the same time, we feel that, in view of the remaining problems, continued UNMIBH activities, secured by effective SFOR backing, are still required in Bosnia and Herzegovina to consolidate the peace process and move it forward. Therefore, my delegation supports the Secretary-General's recommendation to extend the UNMIBH mandate for a further 12-month period, until 21 June 2001.

In conclusion, let me wish further success to Mr. Klein and the entire staff of the United Nations Mission in Bosnia and Herzegovina in pursuing our common strategy aimed at restoring lasting peace and stability to that part of the Balkans.

Mr. Jerandi (Tunisia) (*spoke in Arabic*): First, I wish to express sincere condolences on the passing of President Hafez Al-Assad of Syria. This was an immense loss not only for Syria, but also for the Arab world as a whole because Mr. Al-Assad had great personal qualities and did so much for the cause of the Middle East and the Arab cause. For 25 years he worked tirelessly and generously for his nation and his people. May God receive him in his mercy.

(spoke in French)

Thank you, Mr. President, for having convened this meeting on the situation in Bosnia and Herzegovina. I also wish to express our appreciation to Mr. Jacques Paul Klein, Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina for all his work.

The Secretary-General's report on the United Nations Mission in Bosnia and Herzegovina (UNMIBH) is instructive in several respects. It informs us on developments in the situation, which on the whole are positive. UNMIBH's five priority areas of action have all, to varying degrees, seen positive developments towards the objective of consolidating peace in the region.

The municipal elections, held on 8 April 2000 without any major incident or disruptions and with a relatively high rate of participation, were in our view, another test demonstrating the determination of the people to move towards coexistence. These elections call for the international community to continue its effort and to support the parties that have chosen to cooperate with UNMIBH to attain the goals set for the restoration of lasting peace and the establishment of a democratic and multi-ethnic State.

Progress made in registering police personnel, as well as the representation of minorities within the police force, should be commended. The agreement on the voluntary transfer of police officers wishing to return to their former duty stations significantly improves the prospects for creating a multi-ethnic police force. We are convinced, however, that these efforts are inadequate and that we need to strengthen efforts in these areas.

The role of the police at this crucial stage is more than obvious. It is not merely a question of ensuring respect for the law and promoting social harmony, but also one of combating the scourges of drugs and organized crime. At this point, I would like to welcome the cooperation between UNMIBH and the Office of the High Commissioner for Human Rights in the preparation of the report currently under way, which we eagerly await.

We welcome the results attained by UNMIBH in the past year. The establishment of the State Border Service and the integration of the Ministry of the Interior in canton 7 attest once again to the importance of the results achieved. In the same canton, we also take note of some equally important progress, namely, the appointment of judges from different ethnic groups. An independent and impartial judiciary is a guarantee of equality for defendants and of lasting social harmony.

The return of refugees and displaced persons is a major concern in implementing the Peace Agreements in Bosnia and Herzegovina. Ensuring the security and well-being of all refugees, particularly minorities, is also a major responsibility. We welcome the massive return of refugees, who should have the support of actors on the ground. We stress the very positive role played in that regard by the Office of the United Nations High Commissioner for Refugees.

In order to give peace a solid foundation it is necessary to base that peace on the moral values of tolerance and respect for others' differences. In this connection, we think schools should play a primary role in educating future generations. It therefore seems to us that it is important to work towards establishing a unified and multi-ethnic university in Bosnia and Herzegovina where young people can learn to live together and to coexist despite their differences.

In order to consolidate peace we need to give Bosnia and Herzegovina a major political plan to which all parties will adhere. The Stability Pact being put forward by the European Union is an interesting platform for making this project a reality. My delegation believes that economic vitality should be strengthened in the region in order to attain this goal.

It is clear that when the parties have shown that they want to cooperate with the United Nations Mission in Bosnia and Herzegovina, important results have been attained. The full cooperation of all parties is a condition for the success of this operation, and we therefore call on the parties to cooperate further with UNMIBH.

We are aware of the seriousness of the obstacles hampering the smooth implementation of UNMIBH's mandate. But those obstacles should not discourage us from continuing our efforts to make a better future for all the inhabitants of Bosnia and Herzegovina. The international community should support the tangible results achieved by UNMIBH and renew its mandate.

Mr. Eldon (United Kingdom): I thank Special Representative Klein for his very full and comprehensive briefing.

The hour is late, and I will try to be as brief as I can.

The Secretary-General's report, for which we are extremely grateful, refers to significant operational successes. Mr. Klein and his team deserve our admiration and thanks for the commitment that has been required to bring about those successes. I should like to highlight a few of them.

The International Police Task Force (IPTF) continues to make steady progress on recruiting and training police and on reforming local structures to reflect the single-chain-of-command style more familiar in the rest of Europe.

As Mr. Klein has said, the establishment of the State Border Service, which was officially launched on 6 June, was a very significant step forward in the face of considerable local opposition. When Mr. Klein last briefed us, in March, we learned that he had been forced to impose the laws establishing the Border Service after Parliament failed to pass the necessary legislation. We have every confidence that the United Nations Mission in Bosnia and Herzegovina (UNMIBH), maintaining pressure where necessary, will ensure that the authorities of Bosnia and Herzegovina implement the Border Service laws in full.

The Secretary-General's report also makes reference to the highly effective judicial system assessment programme. It has now reported its important, if disappointing, findings. It is now important that an effective way is found to hand over this work to another organization. It is for the Office of the High Representative, as the central coordinating agency in Bosnia, to propose a successor to UNMIBH in the area of judicial assessment and reform. We welcome the fact that UNMIBH representatives are working together with representatives of the Office of the High Representative to find the best home for this work.

Mr. Klein expressed his preferences to us this morning. I, in response, will express ours. Our own view is that neither the Council of Europe nor the United Nations Development Programme is an appropriate successor agency for UNMIBH in this area. We understand that the Office of the High Representative will probably propose an Organization for Security and Cooperation in Europe/Office of the High Representative partnership. We have some doubts as to the need to move the programme away from UNMIBH, but we will of course consider carefully the eventual proposal of the Office of the High Representative.

I took careful note of Mr. Klein's macro-objectives of greater integration with Europe, efforts to promote democracy in Serbia and a more intensified effort to track down war criminals. All these are laudable, wide objectives that my delegation supports.

At the more micro level, although it is not really micro, we welcome the fact that UNMIBH's components have begun to prepare a strategic and operational framework for fulfilling its core mandate by December 2002. We welcome the focus this date will bring to the operation. However, we should not forget that an exit strategy must be tied to the achievement of objectives.

We welcome the recognition in the Secretary-General's report of the need continuously to review progress, not least in order to ensure that resources are deployed where they can be of most use.

It will also be important to look at our wider successes. UNMIBH's exit strategy will need to be carefully considered in the light of an overarching, coordinated assessment of all the international organization's mandates and objectives in Bosnia and Herzegovina.

Mr. Uanivi (Namibia): We, too, thank the Secretary-General for his comprehensive report on Bosnia and Herzegovina and would like to welcome his Special Representative, Mr. Jacques Klein, and to thank him for his valuable update on the implementation of the Peace Agreement in that country.

My delegation concurs with the Secretary-General and his Special Representative that without an effective police force and judicial institutions in place, all efforts by the international community for durable peace and self-sustainable development in Bosnia and Herzegovina will indeed be incomplete.

Notwithstanding the difficulties encountered in the professionalization and reconstruction of the police and judiciary system, the United Nations Mission in

Bosnia and Herzegovina (UNMIBH) and the International Police Task Force (IPTF) have achieved tangible results, notably, the inauguration of the multi-ethnic State Border Service and the establishment of the multi-ethnic Brcko district police force, as well as many more.

We also take note from the Secretary-General's report of the new spirit of cooperation in the Herzegovina-Neretva canton, which for the first time since the war allowed Bosniacs to work in west Mostar. We hope that this spirit will be replicated throughout the country.

On balance, my delegation also has some concern about the slow progress in the recruitment of minority police officers and in gender balance in both entities, about the return of minorities and internally displaced persons with dignity to their original homes, and about the issue of trafficking in human beings.

On the latter, we are glad that progress has been achieved and we are also looking forward to the report on that issue. It is the view of my delegation that the leaders in Bosnia and Herzegovina ought to address these issues, because the colour and composition of a future united, multi-ethnic Bosnia and Herzegovina really depend on the harmonization of these basic ingredients.

Once again, we thank the Special Representative for his timely briefing. We encourage him to continue and we also commend the men and women of UNMIBH and the Stabilization Force for their valuable contribution to the maintenance of peace and the reconstruction of Bosnia and Herzegovina. In this light, we support the Secretary-General's recommendation to extend the mandate of UNMIBH for a further 12 months, ending 21 June 2001.

Mr. Ouane (Mali) (*spoke in French*): I wish to associate myself with the words of welcome extended to Mr. Jacques Paul Klein, the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina. I wish to thank him for his enlightening and detailed statement.

I also thank the Secretary-General for his report of 2 June 2000 on the United Nations Mission in Bosnia and Herzegovina (UNMIBH).

I wish to make three brief comments on the question under consideration. First of all, my delegation is gratified by the progress that has been made by UNMIBH within the framework of its overall mandate, which, we should recall, is to oversee and restructure the institutions of law and order in the Republic. On this basis, the establishment of the State Border Service and the multi-ethnic Brcko district police force are significant, as is the integration of the specialized police forces of the Federation. The Secretary-General's report also mentions the progress achieved in establishing the Law Enforcement Personnel Registry and the initiatives to accelerate the recruitment, voluntary redeployment and return of minority police. Along these lines, we note the positive response of Croat leaders to the statement made by the President of the Security Council on 23 April calling on them to become constructive partners in the peace process. We should also mention the remarkable work done in the judicial system assessment programme.

Secondly, my delegation hopes that the progress made will be consolidated. To that end, and as emphasized by Mr. Klein in his statement, the ongoing and enduring commitment of the international community seems to be urgently needed. We welcome the efforts of the Member States that have contributed to the Trust Fund administered by UNMBIH, which we hope will receive further contributions for the Police Assistance Programme in Bosnia and Herzegovina. Similarly, we hope that the Security Council and Member States that have an influence on the parties will give UNMIBH the support it needs. The cooperation of the people of Bosnia and Herzegovina remains essential to the success of UNMIBH's continued mission.

My third comment is on the return of refugees and displaced persons. This return is a major priority and must be accelerated. That is why we urge the authorities of Bosnia and Herzegovina fully to implement measures to encourage the populations to return, in particular through property legislation and the lifting of restrictions on legal evictions.

In conclusion, I stress Mali's support for the extension of UNMIBH's mandate for a further 12-month period to 21 June 2001. We thank Mr. Klein and all the staff of UNMIBH for their devotion to the cause of peace in Bosnia and Herzegovina.

The President (*spoke in French*): I shall now make a statement in my capacity as representative of France.

I wish to make a few brief points. First, the existence of other regional crises must not lead to less energy and attention being devoted to Bosnia and Herzegovina. The lasting stabilization of Bosnia and Herzegovina is essential to the future of the region. It has not yet been definitively achieved. A great deal remains to be done before the local officials and people of Bosnia and Herzegovina can take charge of the destiny of their country. Yet, time is pressing. International assistance cannot remain forever at the current level. It is now that we must consolidate our achievements so that the enormous international investment made in Bosnia and Herzegovina can pay off. The coming few years will be decisive in obtaining important progress in several key sectors: the return of refugees and displaced persons; the consolidation of core institutions; the pluralism of political life; and economic reform.

Secondly, France remains strongly engaged in Bosnia and Herzegovina over four years after the peace accords signed in Paris. France remains one of the most important contributors to the Stabilization Force and to the International Police Task Force. France has also undertaken to ensure throughout its forthcoming presidency of the European Union that Bosnia and Herzegovina fully retains its role in the Union's strategy for the Balkans, bearing in mind, of course, that this presupposes shared efforts. It bears recalling yet again that the European Union and its member States are by far the largest contributors in Bosnia and Herzegovina. Since 1991, the European Union has provided over 2.5 billion euros to Bosnia and Herzegovina. It is in a position to play a central role in the future of that country on the basis of this financial effort and because European perspectives are the decisive lever in the evolution of Bosnia and Herzegovina.

My third comment relates to UNMIBH and its main component, the International Police Task Force. This action is essential to establishing a genuine State and a state of law in Bosnia and Herzegovina. Behind the figures, which are impressive in themselves, just given to us by Mr. Klein on the training of police personnel and the recruitment of police officers from minority groups, and behind the facts on the judiciary system, we find both the reality of the past and the plan for the future.

The reality of the past was that of a police force that was too large and partial in the hands of the majority group. It was also a situation of justice subject to pressure. The plan for the future, which Mr. Klein and UNMIBH are steadily turning into reality day by day, is that every inhabitant of Bosnia and Herzegovina will be able to go to a police station in complete confidence, that he or she will be defended regardless of origin and that he or she will obtain a fair trial. The plan is for the State of Bosnia and Herzegovina to exist on the ground through controls exercised over the borders and for the judicial system of Bosnia and Herzegovina to be reformed. Experience and know-how acquired through the judicial system assessment programme conducted by UNMIBH must be preserved in the framework of the follow-up to the programme.

Having heard the statements of other speakers and of Mr. Klein, I should like to express the opinion of the delegation of France on this subject. We believe that a satisfactory solution might be found by, for example, conferring the follow-up of the operation on the United Nations Development Programme.

In conclusion, France, like other members, would like to reiterate its complete support for Jacques Klein and UNMIBH, whose successful action deserves to be commended.

I shall now give the floor to Mr. Klein to respond to the observations of speakers.

Mr. Klein: Let me deal with the statement made in serial fashion. Regarding our time lines, I think we have laid out clear and specific goals, which we believe can be met. I assure the Council that I will do my utmost to bring this mission to closure on time and under budget in terms of the mandate.

With regard to trafficking, I think the Council can take some pleasure in knowing that the United Nations was the first to identify this problem. Since Bosnia and Herzegovina has more than 430 border crossings — mountain paths, dirt roads and two-lane highways — we have a totally permeable State. We identified the problem, we began to raid the houses and we worked with local ambassadors to return the women to their homes. We worked with the International Office of Migration to ensure that when the women do return to their countries of origin, counselling and reintegration will be available to them. We temporarily funded safe houses, and we are now in the process of funding permanent housing for them as safe houses.

The report is available. It was written in conjunction with our colleagues in the human rights arena, and I think it very much addresses a strongly perceived need.

I thank all members for their very generous comments; I will take them back with me. As I said earlier, of the 15 countries represented around this table, 13 are represented in my mission, along with 60 other nationalities. This means that the United Nations Mission in Bosnia and Herzegovina and the International Police Task Force include 73 different nationalities. These are your citizens; they are men and women from your countries who every day demonstrate on the ground that peoples of different races, religions and ethnic groups can work together constructively in a common cause. Those are the universal values of the United Nations, which we all represent.

The President (*spoke in French*): I thank Mr. Jacques Klein for his comments, which, as always, have been precise and energetic. I thank him for having mentioned the contributions of different States as an example of what the international community can accomplish when it joins forces in a country which needs to continue to receive our support.

There are no other speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.45 p.m.

United Nations S/PV.4154/Corr.1

Security Council

Fifty-fifth year

Provisional

4154th meeting

Tuesday, 13 June 2000, 11 a.m.

New York

Corrigendum

Page 13, first column, last paragraph

For Mr. Eldon *read* Mr. Cunningham

00-48271 (E)

United Nations S/PV.4155

Security Council

Fifty-fifth year

Provisional

4155th meeting

Wednesday, 14 June 2000, 4.20 p.m.

New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Duval
	China	Mr. Shen Guofang
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Granovsky
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2000/496 and Corr.1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-47917 (E)

The meeting was called to order at 4.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2000/496 and Corr.1)

The President *(spoke in French)*: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations operation in Cyprus, document S/2000/496 and corrigendum 1.

Members of the Council also have before them document S/2000/549, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I have also received letters from the Permanent Representatives of Greece and of the Republic of Cyprus, from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, and from the Permanent Representative of Turkey. This last contains an annex setting out the position of the Turkish Cypriot side.

Members of the Council have been informed of the content of these letters.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/2000/549) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bangladesh, Canada, China, France, Jamaica, Malaysia, Mali, Namibia, Netherlands, Russian Federation, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1303 (2000).

I believe I can say that all members of the Council very sincerely wish for the success of the forthcoming proximity talks, which will be held in Geneva beginning on 5 July.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.25 p.m.

Security Council

Fifty-fifth year

Provisional

4156th meeting

Thursday, 15 June 2000, 11.30 a.m.
New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Duval
	China	Mr. Wang Yingfan
	Jamaica	Mr. Ward
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mr. Gurirab
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Granovsky
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Holbrooke

Agenda

The situation concerning the Democratic Republic of the Congo

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-48158 (E)

The meeting was called to order at 12:05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I propose to invite the members of the Political Committee for the Implementation of the Lusaka Ceasefire Agreement, as well as Zambia, the Representative of the current Chairman of the Organization of African Unity and the Special Representative of the Secretary-General for the Democratic Republic of the Congo to participate in this meeting.

There being no objection, it is so decided.

In accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure, I invite His Excellency Mr. Abdelkader Messahel, Special Envoy of the President of the People's Democratic Republic of Algeria, Mr. Abdelaziz Bouteflika, current Chairman of the Organization of Africa Unity, to take a seat at the Council table.

At the invitation of the President, Mr. Messahel (Algeria) took a seat at the Council table.

The *President* (*spoke in French*): I invite the Vice-Minister for External Relations of Angola, His Excellency Mr. George Chicoti, to take a seat at the Council table.

At the invitation of the President, Mr. Chicoti (Angola) took a seat at the Council table.

The President (*spoke in French*): I invite the Minister of State for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, His Excellency Mr. Yerodia Abdoulaye Ndombasi, to take a seat at the Council table.

At the invitation of the President, Mr. Ndombasi (Democratic Republic of the Congo) took a seat at the Council table.

The President (*spoke in French*): I invite the Minister for Foreign Affairs and Regional Cooperation of Rwanda, His Excellency Mr. André Bumaya, to take a seat at the Council table.

At the invitation of the President, Mr. Bumaya (Rwanda) took a seat at the Council table.

The President (*spoke in French*): I invite the Minister of State for Foreign Affairs and for Regional Cooperation of Uganda and Chairman of the Political Committee, His Excellency Mr. Amama Mbabazi, to take a seat at the Council table.

At the invitation of the President, Mr. Mbabazi (Uganda) took a seat at the Council table.

The President (*spoke in French*): I invite the Minister for Presidential Affairs of Zambia, His Excellency Mr. Eric Silwamba, to take a seat at the Council table.

At the invitation of the President, Mr. Silwamba (Zambia) took a seat at the Council table.

The President (*spoke in French*): I invite the Chargé d'affaires of the Permanent Mission of Zimbabwe, His Excellency Mr. Misheck Muchetwa, to take a seat at the Council table.

At the invitation of the President, Mr. Muchetwa (Zimbabwe) took a seat at the Council table.

The President (*spoke in French*): I welcome the presence at the Council table of His Excellency Mr. Theo-Ben Gurirab, Minister for Foreign Affairs of Namibia and President of the General Assembly, who represents the last of the States signatories to the Lusaka Agreement and whose country is also a member of the Security Council.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Dominique Kanku, Head of External Relations of the Movement for the Liberation of the Congo (MLC), to take a seat at the Council table.

I invite Mr. Claver Pashi, head of the delegation of the RCD-ML to take a seat at the Council table.

I would like to inform the Council that Mr. Emile Ilunga, head of the delegation of the RCD-Goma, who at this moment is still on an aeroplane, will be joining us this afternoon.

I now invite Mr. Kamel Morjane, Special Representative of the Secretary-General for the Democratic Republic of the Congo, to take a seat at the Council table.

I should like to acknowledge and welcome the presence of the Secretary-General at this important meeting.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

As President of the Security Council, I now have the honour of addressing the Council as well as the members of the Political Committee.

I should like warmly to welcome the Ministers members of the Political Committee for the Implementation of the Lusaka Agreement; the Minister for Presidential Affairs of Zambia; the Special Envoy of the Chairman of the Organization of African Unity (OAU); and Mr. Kamel Morjane, the Special Representative of the Secretary-General.

I should like, with the agreement of the Secretary-General, to ask the Special Representative to convey to all of the observers and teams now working in the Democratic Republic of the Congo, our feelings of admiration and solidarity. They are doing admirable work in particularly difficult conditions. I hope that Mr. Morjane will express to them, on behalf of the Council, the extent of our admiration for them.

I would particularly like to thank the Secretary-General for his presence here. He has delayed his departure on an important trip to the Middle East so as to be here today. I would also like to thank him for his full and courageous report, which will enlighten our work and serve as a work of reference.

Those present will recall that the idea for this meeting came out of a meeting that took place on 6 May in Lusaka between the members of the Political Committee for the Implementation of the Lusaka Agreement and the seven members of the Security Council who undertook the Council's first-ever visit to Africa. That 6 May meeting followed the Security Council meeting that was held in this Chamber on 24 January, attended by representatives of the countries signatories to the Lusaka Agreement. Ambassador Holbrooke took the initiative to hold that dialogue. The dialogue between the Security Council and the signatories to the Lusaka Agreement attests to the will of the Council to actively respond each time the United Nations is called upon to contribute to a settlement of a crisis in Africa.

The United Nations is not abandoning Africa. On the contrary, as we are aware, the main part of the Security Council's agenda is devoted to Africa. However, it must be said that the context that we find ourselves in today is particularly difficult. It is difficult, first of all, because the United Nations Mission in Sierra Leone is now confronting serious problems. It is also difficult because everyone has in mind the war being waged between Ethiopia and Eritrea, which has inflicted suffering on two peoples and caused heavy losses to the two countries involved in the conflict. Of course, each crisis has its own specific characteristics, but we must be aware that the difficulties in Sierra Leone are causing reluctance on the part of the troop-contributing countries to commit themselves in the Democratic Republic of the Congo.

What kind of analysis can we make today of the situation in the Democratic Republic of the Congo? One very positive element is the fact that there have been genuine efforts on the part of all the countries of the region to achieve a settlement — the Lusaka Agreement. I would like to pay tribute to the outstanding role that President Chiluba of Zambia played in that respect. The Lusaka Agreement was signed almost one year ago, on 10 July 1999. The Agreement provided for a settlement of the crisis in 360 days. Where are we now, almost two years after the beginning of the conflict and almost one year after the signing of the Lusaka Agreement?

Unquestionably, efforts have been made in the right direction. On the part of the belligerents themselves, a ceasefire was declared, and a disengagement agreement was concluded on 8 April in Kampala. Here in New York, the United Nations fulfilled its part of the contract. The Security Council decided, on 24 February last, on the establishment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), with 500 military observers and a force of 5,000. Unfortunately, despite that unquestionable progress, the bad news has been increasing, and today the global balance sheet is dramatically negative in five areas.

First, hostilities are continuing. They are continuing in the province of Equateur. They resumed

there at the end of last year and have been taking place on a regular basis ever since. Fighting has also been continuing in Kasai since March. There has been uninterrupted violence in Kivu. Finally, in Kisangani, fighting broke out in August last year, at the beginning of May and again, in a particularly bloody manner, at the beginning of this month.

Secondly, the cost in human life of this conflict is ever higher. The Secretary-General's report has emphasized the tragic situation of the displaced persons and the enormous food needs. We are receiving information through non-governmental organizations and religious organizations regarding violence and massacres, particularly in Kivu. These organizations are also indicating to us that there are inter-ethnic clashes in the north-east.

Last week the international press published the results of a study by humanitarian organizations, which says that in two years of war, 1.7 million individuals have perished in the east of the Congo. They have been the victims of massacres, or have died attempting to flee violence, or have perished because humanitarian assistance could not reach them due to conditions of insecurity. We are not trying to get into a war of statistics and figures here, but we are trying to see reality as it is. For two years now, hundreds of thousands of deaths have been recorded in the eastern provinces of the Democratic Republic of the Congo.

Thirdly, as regards the process of reconciliation between the Congolese themselves, the national dialogue provided for by the Lusaka Agreement remains blocked. To be sure, the facilitator of the national dialogue, selected by the Congolese parties, with the assistance of the OAU, has made some preliminary assessments. Preliminary consultations have taken place. The Security Council, which welcomed the facilitator in New York in January and again in April, expressed its full support to him, and we will be having a meeting tomorrow with his representative, Minister Archibald Mogwe.

But today the Council is deeply concerned by the impasse in the national dialogue and by the lack of cooperation on the part of the Government of the Democratic Republic of the Congo with the facilitator. The events in Cotonou are particularly alarming to us. The settlement of the conflict in the Democratic Republic of the Congo must be based on genuine reconciliation among the Congolese within the framework of the national dialogue.

Fourthly, the lack of security and the parties' lack of goodwill is hampering the deployment of MONUC. The continuation of hostilities is endangering the deployment of phase II of the Mission. The failure on the part of the Government of the Democratic Republic of the Congo to respect the commitments undertaken in the framework of the status-of-forces agreement, but also on the part of the rebels through their blocking of the movements of the force, is unacceptable. This runs counter to the commitments that have been undertaken. Finally, the recent manifestations of hostility to MONUC in Kinshasa are not acceptable. The United Nations is in the Democratic Republic of the Congo to help bring about peace, and the United Nations must be helped in turn.

Fifthly, the resumption of hostilities on 5 June between Ugandan and Rwandan troops in Kisangani was a brutal aggravation of the conflict in the Democratic Republic of the Congo. These hostilities seemed to toll the bell for the Lusaka Agreement; they pitted two formerly friendly countries against each other. The particularly unjustifiable nature of the confrontations between two foreign armies on the soil of a third country — namely, the Democratic Republic of the Congo — must be emphasized. These hostilities have caused numerous Congolese civilian casualties. At least 300 have died and 1,500 have been wounded. Two foreign military presences, motivated by security reasons, are today becoming a major source of insecurity.

I must state that these events have deeply shocked the entire international community and prompted an immediate and unanimous response: "Enough fighting. Withdraw your forces from Kisangani. Implement immediately the Agreement that your Presidents concluded in the presence of the Security Council members."

We see perfectly well that we are now at a decisive moment. In his report to the Council on Tuesday, the Secretary-General set the tone, and everyone is familiar with that report. The war must cease immediately, he told us, and he is right. With regard to Kisangani, from bad events perhaps something good can emerge. The tragedy of Kisangani must serve for all of us as an electric shock that will trigger the total, rapid, even accelerated

implementation of the Lusaka Agreement. That Agreement remains our touchstone. At this moment, I express the hope that all of the prisoners of war will be released even before the end of our work, to demonstrate that, yes, the will does exist, and that movement in the right direction is possible.

On behalf of the Security Council, I say to the members of the Political Committee for the Implementation of the Lusaka Agreement who have come to join us in New York that we hope to consider the situation in depth with you. We hope together to provide a new impetus to the Lusaka peace process and to find a way, with you as partners, to overcome the present crisis. You had hoped that the United Nations would be your partner, and we have agreed to be that partner. Together, during these two days, let us take the necessary decisions. Let us restore hope, and let us bring peace to the people of the Democratic Republic of the Congo and to all of the peoples of Central Africa who are waiting so desperately for that peace. Together let us manifest that will. As our British friends say,

(spoke in English)

"Where there is a will, there is a way".

(spoke in French)

I now give the floor to His Excellency Mr. Amama Mbabazi, Minister of State for Foreign Affairs and Regional Cooperation of Uganda in his capacity as Chairman of the Political Committee.

Mr. Mbabazi (Uganda): On behalf of the Political Committee and on my own behalf, I wish to express our gratitude to you, Mr. President, to the members of the Security Council delegation who visited our region last month, and to the Security Council as a whole for the invitation it extended to the Political Committee to come to New York to share information and exchange views on the process of pacification of the Democratic Republic of the Congo.

We come with the hope and confidence that this interaction will result in greater and faster engagement of the United Nations in this process, for which the people of Congo and the region have waited so long.

The Agreement for a ceasefire in the Democratic Republic of the Congo, popularly known as the Lusaka Ceasefire Agreement, was freely negotiated, agreed and signed by all the then belligerents. It was welcomed and adopted by the international community, including the United Nations, as the best formula for the resolution of the conflict in the Democratic Republic of the Congo.

The Agreement addresses the two dimensions of the conflict — that is, the internal Congolese political question and the regional security concerns of the Congo itself and those of its neighbours. It provides, among other things, for the cessation of hostilities; the creation of a new political dispensation in the Congo through inter-Congolese political negotiations; the disarmament, demobilization, resettlement and reintegration of all of the armed groups in the Congo; and the withdrawal of all foreign forces. It further provides for the normalization of the situation at the borders of the Congo with a view to stopping any illicit trafficking of arms and the infiltration of armed groups across the borders.

The United Nations was requested, in pursuance of its duty to maintain international peace and security, to take charge of the implementation of the Agreement. The parties also created the Joint Military Commission (JMC), where they are all represented, to develop this process of implementation.

Although, as you correctly observed, Mr. President, the timetable for the implementation of the Agreement, signed on 10 July 1999 by the States parties and in August by the armed Congolese rebellion, has not been met, the Agreement has held, the various violations, many of which you referred to, Mr. President, notwithstanding. These violations occurred largely because the mechanism the Agreement put in place to manage the implementation process has to date not been fully operationalized.

The United Nations initially adopted what appeared to be a very cautious approach to its involvement in this implementation process. The Political Committee was therefore delighted when last January the Security Council decided to pay great attention to the conflict in the Congo, a process that has culminated in our meeting with the Council today.

We appreciated very deeply the visit of the Security Council delegation, led by Richard Holbrooke, to the region last month. For the first time we felt that, as a result of that visit, a partnership between us and the United Nations had begun in earnest. We therefore have come to New York in that spirit of partnership in the continuing dialogue, begun on 6 May in Lusaka, on how to quickly and realistically achieve our commonly

shared desire to bring peace not only to the Democratic Republic of the Congo but to the region as a whole.

The Political Committee, working together with the Joint Military Commission and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), under the able and dedicated leadership of the Special Representative of the Secretary-General, Ambassador Kamel Morjane, and his staff, has laid the groundwork for the implementation of the Lusaka accord. We adopted on 8 April last in Kampala the plan for the disengagement and redeployment of forces in the Democratic Republic of the Congo. Although its timetable has not been fully met, sub-plans for the disengagement of forces in each area were prepared, but they could not be finalized because the JMC and MONUC lack the resources required to carry out verification of the information given by each party.

We look forward to discussing this question of lack of resources with the Council during our visit here, so that we can overcome this debilitating limitation to the process of implementation. We expect that when the planning teams of the JMC and MONUC have verified the information given to them by each party and new defensive positions have been agreed, then the forces will begin to disengage to create the 30-kilometre-wide disengagement zone.

The Political Committee, at its last meeting in Lusaka, considered and adopted mechanisms for the disarmament, demobilization, resettlement and reintegration of members of all of the armed groups.

On the question of the release and exchange of prisoners of war, the Political Committee requested the parties concerned to expedite the process by quickly complying with the requirements of the International Committee of the Red Cross and Red Crescent. I have reliable information that all of the parties have since done so. I should expect the release and exchange of prisoners of war to commence by the end of this week. I share the Council's optimism that this could begin even in the course of our deliberations here in New York.

On the issue of the inter-Congolese political negotiations, the national dialogue has not commenced. The Political Committee, however, welcomed the holding of the preparatory meeting in Cotonou, Benin, on 6 June, as a positive step in the right direction. The Committee expressed its appreciation to Sir Ketumile Masire for his efforts in facilitating the national dialogue and called on all of the Congolese to honour their obligations under the Agreement.

It is clear that the implementation of Lusaka has not gone according to the plan we originally worked out. Indeed, the Political Committee recognizes that there are enormous challenges to the implementation of this accord. The most recent challenge — which you referred to, Mr. President — was the fighting in Kisangani between the Rwandan and Ugandan forces. The Committee expressed its concern over this regrettable development, and, while welcoming the efforts to bring the situation in Kisangani back to normal, called on Rwanda and Uganda to immediately bring an end to the fighting and to implement the agreement between them for the demilitarization of Kisangani. I am glad to inform the Council that the fighting has since stopped.

The Political Committee restates the reaffirmation by our leaders last January of our strong commitment to the Lusaka Ceasefire Agreement and reiterates our determination for its full and expeditious implementation. All we ask of the United Nations and the international community as a whole is that they lend us their unqualified support in the implementation of this accord, which we freely reached among ourselves.

The President (*spoke in French*): I now give the floor to Mr. Richard Holbrooke, Permanent Representative of the United States, who headed the Security Council mission to the Democratic Republic of the Congo and who undertook the laudable initiative of holding the summit of 24 January in this very Chamber.

Mr. Holbrooke (United States of America): I thank the Secretary-General for joining us today.

I thank you, Mr. President of the General Assembly, for descending from the high podium to join us to represent your own country. It is an honour to have two Presidents in the room today, you and Ambassador Levitte. I take your presence here as being of enormous significance to all of us.

I would like to express to you, Ambassador Levitte — the President of the Security Council — our country's very great appreciation for the leadership that you and France have taken on behalf of peace in the Democratic Republic of the Congo.

I want to thank all of our friends and colleagues from the Lusaka process, who hosted us with such graciousness and generosity in Lusaka on 6 and 7 May, for again making the long journey to New York. Their presence here represents their commitment to finding a solution to the problems of the Congo. I hope that the world, which is focused on those problems, understands that everyone is here voluntarily to help solve them.

I am particularly honoured in that regard to speak after my friend, Minister Amama Mbabazi of Uganda, one of the most distinguished statesmen of Africa, whom I have now had the pleasure to work with increasingly in recent months and whose speech deserves careful perusal by all of us.

And, of course, I am delighted at the presence of the other representatives in the Chamber, and of the Special Representative of the Secretary-General, Ambassador Morjane, who is doing an extremely good job under extraordinarily difficult circumstances.

This is an important day for all of us, as we proceed with this long odyssey. Although Minister Mbabazi was gracious in referring to the American month, in January, discussions really began earlier than that. I want to pay tribute to the presidency of the British in the month of December, and to Sir Jeremy Greenstock and Ambassador Eldon, for starting the process. This process has now gone on for many months. Let the world see that the United Nations is not turning away from Africa, and let the world see that there is no double standard. Africa is at the centre of our attention. This is doubly true, as today as we are dealing simultaneously with two other major African issues: Sierra Leone and the Ethiopia/Eritrea problem. There will be separate meetings going on concurrently on the latter issue, in conjunction with the Organization of African Unity (OAU).

But the problems remain, and they have become more serious in recent days in at least two areas, as Minister Mbabazi's comments made clear. The people of the Congo are looking to us to help find a way out of the hell in which they have been living for so long. They look to us to help them build lives not defined by conflict. There have been a lot of statements in recent months about how the people of the Congo need peace, but these statements — many of them made here around this historic horseshoe in this historic Chamber — have not yet been acted on.

Thirty-six days ago, Mr. President, you and I were in the region with out colleagues from Great Britain, the Netherlands, Mali, Tunisia and Namibia on behalf of the entire Security Council. We were greatly honoured to represent all of you, and I think we did a fairly good job in carrying the weight of the United Nations into the Great Lakes. However, I am not sure where we are today. Nonetheless, I do note that the delegation — comprised of three African nations, three European nations and one country from neither Europe nor Africa, the United States — symbolized our common commitment. I would stress again that the reason that the Latin American and Asian representatives were not with us was that they had gone to Kosovo on a parallel mission.

When you decided last month to convene today's meeting, Mr. President, we had anticipated that we could build momentum. But the events of the last two weeks have changed the nature of this meeting.

Let me start, as you did, Sir, with Kisangani, and let me be honest with my friends from both Rwanda and Uganda. There is no excuse for what happened in Kisangani. There was no excuse when the fighting began around 3 or 4 May. The immediate cessation of that fighting, after the 8 May ceasefire negotiated by the Security Council, was promising, but in the last few weeks the fighting resumed with an extraordinarily high level of intensity, leaving hundreds of people killed and thousands wounded and causing enormous damage to the infrastructure of Kisangani — damage that the international community will have to pay to clean up, otherwise it will not be done, thereby diverting resources from long-term reconstruction and essential health and education needs. That resumption is one of the most troubling things I have ever seen in my career in diplomacy. I am talking now not about the initial fighting, but about the resumption of fighting a few weeks ago.

I agree with Minister Mbabazi that there is now a ceasefire in place and that we have to lock it in. But it is a fragile ceasefire, and as the Secretary-General has so correctly warned us in meeting after meeting, we are facing a gap between the ceaesfire, which took effect a few days ago, and the arrival of any peacekeeping forces. We must be honest with ourselves: it is more difficult now to get peacekeeping forces than it was a few weeks ago precisely because of the events in Kisangani. It is more dangerous. It is more problematical. Governments and their populations have

more reservations. And it will be harder to fund those efforts because of what happened in Kisangani. So let us be honest about that in this Chamber.

I personally am not interested in a court of inquiry into who started Kisangani. The leaders of both sides have been very clear with all of us that it was the other side that started it. Based on similar experiences that I have been involved with in places like Bosnia, Kosovo and Cambodia, I am certain that we will never get to the bottom of who started it. The issue is to stop it permanently and never to let it happen again. That can be done only with the highest level of political leadership.

I salute you, Mr. Secretary-General, for your around-the-clock and tireless efforts with the leaders in the region to stop that fighting. Without your personal involvement, I think the chances are very high that the fighting would still be going on.

As for the fighting in Equateur Province between the armed forces of the Congo and the Movement for the Liberation of the Congo (MLC), that too is a serious problem. It is threatening to bring the war closer to the major population centres. I say it quite frankly today, in the presence of the signatories to the Lusaka Agreement — and, in this case in particular, in the presence of the Foreign Minister of the Democratic Republic of the Congo and the representative of the MLC — that we need to see a willingness on your part to halt the fighting.

Let me turn now to the national dialogue. Again, I speak with great respect for the sovereign Government of the Democratic Republic of the Congo. But I must say, in all candor, what my Government has already said publicly. I am obligated and obliged to repeat here in public that we do not believe that the renunciation of the facilitator appointed by the OAU and attacks on the national dialogue can be regarded as anything other than an attack on the Lusaka peace process. If there are differences between any parties in this Chamber and the facilitator, let those be ironed out. But let us not attack the process itself unless we are ready to confront the extraordinary implications of that. I have heard the problems that the Government in Kinshasa has with the national dialogue. May be some of them are justified. But an attack on the process itself can only be regarded as an attack on Lusaka.

The Lusaka Ceasefire Agreement is one of the few things standing between order in the Democratic Republic of the Congo and its degeneration into warlord-dominated, resource-driven satrapies. Last January, when we in this Chamber sat with the seven Presidents of the region, a commitment was made to redouble our efforts for peace. I hope that that will be the result of this very important meeting that you are chairing today, Mr. President, only one level below the chief-of-State level.

In order to bolster the peace process, the Secretary-General has recommended the reordering of some of the Lusaka tasks, particularly the sequencing of foreign troop withdrawals. He suggests that priority be given to the withdrawal of Rwandan and Ugandan forces from the Kisangani area. I think that this recommendation is extremely appropriate, given recent events. That is one of the major things we will be discussing. But, as I support the Secretary-General's position, I would like to underscore a few critical points.

First of all, in no way does prioritizing the withdrawal of the forces that fought each other in Kisangani diminish the long-standing call of the Security Council, which is on the record in resolutions, for the withdrawal of all — I repeat, all — foreign forces. We are not in any way, shape or form abandoning Lusaka by accepting, as I hope and believe we should, the prioritization recommended to us by the Secretary-General.

Secondly, there is an urgent need for all parties to abandon all support to non-signatory armed groups, particularly the ex-Forces Armées Rwandaises (FAR) and Interahamwe. The fact that these groups are still allowed to stay in business is truly unacceptable. They are among the most odious groups in Africa, if not in the world, and they must be dealt with through concerted regional action.

Thirdly, a discussion of withdrawing Rwandan and Ugandan forces should not in any way detract from the obligations of the Government of the Democratic Republic of the Congo to participate in the national dialogue, to allow other Congolese parties the same right, and to abide by the results of the process.

And fourthly, in regard to this point, let us not let this discussion detract from the legitimate need to take into account the security concerns of Rwanda and of Uganda. Those are legitimate — although the explosion of fighting in Kisangani, which has nothing to do with those needs, was extraordinarily lamentable.

We cannot allow a situation occur where the ex-FAR and Interahamwe resume their 1995-1996 campaign of terror inside Rwanda.

All of this should be done to strengthen Lusaka. Let us recall again that this is not an outside-imposed agreement, but an African initiative: as Mr. Salim Ahmed Salim put it, an African solution to an African problem.

There are some who say that Congo's struggle and the slow progress of Lusaka somehow prove that in some places failure is certain — that people are simply predisposed to killing each other. I heard this in Bosnia; I heard it in Kosovo; I heard it in Viet Nam; and in an earlier era we heard it in regard to the great European Powers, which have finally, after a century of brutality, put their internal differences behind them so that, today, wars in the central part of Europe, once so common, are no longer possible. I hope that we will see, in our lifetimes and in our professional careers, the leaders of Africa reach the same level of achievement. If they do so, they will have done it much faster than the Europeans did, but I hope they can — as Ambassador Levitte so eloquently, but I regret to say unsuccessfully, put it to Prime Minister Meles Zenawi when we were in Addis Ababa four or five days before that war broke out — learn from Europe's mistakes.

I categorically reject the notion that Africa is not ready for democracy, or that it needs "strong men" or dictators to ensure stability, or that among certain peoples or tribes conflict is inevitable. Such opinions, which we all heard in regard to Bosnia as well, are uninformed and, in subliminal form at a minimum, carry a racist connotation. They were wrong in Bosnia; they were wrong in Kosovo; they are wrong in Africa.

Let us also stand together to reject the notion that has gained some prominence among commentators that some States have become "failed States". States do not fail; leaders do. Much is made of the artificial nature of African borders, and many claim that this makes conflicts inevitable. I share the concern about those borders and about the way they were drawn in the late nineteenth century. But those were the borders that the countries of Africa chose to maintain when they became independent. And once having made that decision, the leaders must figure out a way to live within those boundaries. Or, if they wish to change them, they may change them voluntarily, as happened in the Soviet Union, Czechoslovakia and elsewhere, but not through wars.

All of this means that we cannot give up hope. Leadership can make a difference; it must make a difference. Last January, when we embarked on the "month of Africa", we said that 2000 would be the "year of Africa", and you, Mr. President, have set a very high standard by maintaining the attention of the Security Council with respect to these issues. At that time the Permanent Representative of Zimbabwe reminded us that our commitment to peace efforts — from the many efforts of the United Nations around the world to our own commitment in the United States, for instance, to the Middle East peace process — must be strong enough to survive numerous setbacks, some of them catastrophic and seemingly fatal. The representative of Zimbabwe warned us that in Africa, like everywhere else, we must be prepared to accept setbacks and not let them deter us from moving ahead. I believe that one should accept good advice, especially when it comes from such an esteemed colleague. Setbacks are, unfortunately, part of any peace process, but they should not diminish our resolve; they should increase it.

In conclusion, let me remind us all that we have come here today to bolster a peace process that, while imperilled, is one to which we are all committed. We have not come here out of a sense of charity, or simply to right past wrongs — although that must be done — but because we all recognize that peace in the Congo and peace and democracy throughout Africa are in the national interests of us all: Europeans, Asians, Americans, others in the Western hemisphere, friends and neighbours alike.

As we proceed with our discussions today and tomorrow, and as we move forward in the coming weeks, I hope we will all draw inspiration from what Ambassador Greenstock, Ambassador van Walsum and Ambassador Andjaba saw when they made their trip to Kananga a month ago: thousands of ordinary Congolese people lining the streets of that city, deep, deep in the heart of a beleaguered and isolated area, thousands of ordinary Congolese shouting, "Peace, peace, peace". Let us help those people fulfil their hopes and dreams. This, members of the Council and my friends from the Political Committee of the Lusaka Agreement, is the best possible reason for us to continue working for implementation of the Lusaka

Agreement and for peace in the Democratic Republic of the Congo.

The President (*spoke in French*): I now give the floor to the Minister of State for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, His Excellency Mr. Yerodia Aboulaye Ndombasi.

Mr. Ndombasi (Democratic Republic of the Congo) (*spoke in French*): I find myself in a position that reminds me of the teachings of the "Spanish Machiavelli", Baltazar Gracián y Morales, about what one should be and what one should do, in his book *The Courtier's Oracle*. I appear here as a courtier, trying to walk on eggs without crushing them, and obliged to reassure, to explain and to take a position.

At the outset, I convey to you, Mr. President, and to the other members of the Council my heartfelt congratulations on your initiative following the visit of the Security Council mission to us in Africa.

I should also like to thank the Permanent Representative of the People's Republic of China and convey to him our gratitude and our congratulations on his success in carrying out his mandate as President of the Council last month. This is the moment to take advantage of the good omens for your mandate as it begins, Mr. President, and for us to pay an emphatic tribute while voicing the hope that the work to be done under your leadership will be crowned with success so that a man of the court, like myself, will not vacillate.

The Lusaka Accords, United Nations resolutions and the United Nations Charter are symbols that guide us, the Congolese of the Democratic Republic of the Congo, to show good will throughout and readiness to hasten the end to the war to begin national reconciliation.

Here, in this building, President Laurent-Désiré Kabila addressed the Council, and the terms, the words and the meaning he imparted are still alive in the minds of members to show that what I am saying is not empty, flattering rhetoric, that rather it reflects commitments, assurances and clarifications I wish to provide during my statement. The arrival and address of President Kabila prompted a great deal of hope, as it led to the adoption of resolution 1291 (1999). That followed the adoption of resolution 1234 (1999), which is still alive with the potential it affords us to bring a speedy end to war.

This good will of all heads of States that are signatories of the Lusaka Accords is being manifested through subsequent provisions, particularly those of Kampala, which set out the process for establishing a climate of security for our people and for United Nations forces, who, it goes without saying, benefit from enhanced security when they are operating in a country that is not at war.

For us the mere presence of uninvited foreign forces is an act of war, and nothing can ensure the security necessary to offer to the troop-contributing countries who send their children to help us solve our problems. That security is unstable and fraught with unpredictable elements, since uninvited foreign armies occupy the country and push their hostilities to the point of fighting each other.

In this year of the Africa Cup and Euro 2000, people can say whatever they please, because we do not know the hidden sense of their insults; a period to flex their muscles to the detriment of the infrastructure, the people and the territorial integrity and national sovereignty of the Congolese people, and this in accordance with the symbol which is the United Nations Charter. As long as these gladiator brothers are in our country, nothing can be guaranteed, since they are already in the third round of their championship. No one can guarantee what will happen from one moment to the next, even after a ceasefire. No one can guarantee that clashes will not resume if they remain on our territory.

What we call aggression against our country by our brothers from the east remains the key to further developments and the events that have prompted us to meet in a quest for peace in the Democratic Republic of the Congo. With regard to the security of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the recent evacuation of 20 of its representatives from Kisangani shows that as long as all these people are in our country fighting one another, there will be no security for MONUC. Evacuating them, given the logic of events, was an obligation.

As a Minister of State, I am duty-bound to provide assurances that the Democratic Republic of the Congo needs the United Nations, needs MONUC. It would be ridiculous for us to need MONUC, while at the same time we complicate its work. I can give the assurance of the Government of the Democratic

Republic of the Congo that, so far as United Nations force deployment and the preliminary MONUC deployment are concerned, in accordance with the status of forces agreement these forces will enjoy full freedom of movement; freedom not in the sense such as Kant spoke of, the freedom of indifference, as in: "I do what I like when I like and cross the street when there is a red light". Freedom is freedom of knowledge of cause, because you know the effect that a vehicle doing as it wishes can have on a body that crosses its path. Freedom is organized on the form — I discussed this with Mr. Morjane — of notification. It is only natural that as a sovereign Government we know when, who and where MONUC and United Nations aircraft will operate in our skies. This is not harassment. It is simply something designed to avoid having something unfortunate happen to these people who we need, as I said a little while ago, to get us out of this business, to put an end to the war and for us to be able to resume national reconstruction.

I must also provide assurances to the effect that the Government of the Democratic Republic of the Congo negotiated, through me personally, the Lusaka Accords and President Kabila himself signed them.

We are in favour of the Lusaka Agreement and call for its full implementation, even if, for example, the timetable was set inconsistently with provisions of the Agreement. We did not exploit that inconsistency to call the Agreement itself into question. We are in favour of the implementation of the Lusaka Agreement. Everyone should clearly understand that.

Of course, when the veil that shrouds the future is torn open, it will be easy to judge, but so long as the present remains blind, no one can forecast with precision what is going to happen. That is why the Lusaka Agreement was signed and only later did it become imperative for the dates on the timetable to be modified, although the urgency of implementation was never lessened. Let me repeat: we are in favour of the Lusaka Agreement and will give our all to ensure that its implementation is facilitated. My Government wants inter-Congolese dialogue to be facilitated. Of course, such facilitation is embodied in one person whom the Organization of African Unity has appointed and who has won the agreement of all parties.

My Government has reasons for believing that the current embodiment of that facilitation is no longer appropriate to the progress of the operation. We are in favour of facilitation. We have already asked the Organization of African Unity to appoint someone else who, with the consent of the parties, can facilitate dialogue among all Congolese.

Let me stress that, in the midst of all this, we are a sovereign Government that is continuing to govern. It may happen that a lack of prior coordination or synchronicity between one particular facilitator and our sovereign decisions leads to contradictions. Let me assure the Council, however, that we favour facilitation. We feel that, with respect to ensuring that the role of facilitator is filled, the ball is in the United Nations court. I hope this is done soon, contrary to prior experience, when it took a long time to fill the post of facilitator, through no fault of our own but as a result of repeated obstructions from other sides. We are prepared to work with the new embodiment of facilitator. Let me repeat that we are for facilitation and the implementation of the Lusaka Agreement.

So far as we are concerned, the Security Council's horizons are crisscrossed with references guiding its actions. These are, in addition to the Lusaka Agreement, which we have signed, the resolutions of the Security Council and the United Nations Charter — the trinity of our Bible. That is how we see it.

In conclusion, let me reassure the Council about MONUC, which we summoned to our country. When intolerable and repeated massacres occurred in parts of our country not under our control, our people were compelled to express their profound outrage at the incompetence of the United Nations forces and their inability to launch such an operation. I know that some rocks have been hurled at the United Nations building, but I do not believe that Mr. Morjane is ready to offer himself as a target for those directed at Mr. Bernard Kouchner. We will see to it that such incidents do not recur, though we do understand how young students, in a city of 5 million that is up in arms and outraged, might throw some stones – Congolese stones, not Kosovar.

I give Mr. Morjane my word that he can work in complete freedom and in full safety and security. He knows that he can come to my office whenever he wants and that we have devised an entire system to facilitate contacts between ourselves and MONUC. We have established a general government bureau for MONUC affairs. The commissioner, Mr. Ntuaremba, is here with me. The bureaucratic apparatus may create

occasional difficulties, but we are determined to solve any that may arise as we deal with the Security Council.

I would urge the Council to ensure that its own resolutions — adopted with unanimity one after the other, which is rare in itself — support the recent progress made by our brother Mr. Kofi Annan, who recently emerged from an atmosphere similar to that described by Conor Cruise O'Brien in his book *To Katanga and Back*. The Council must implement its own resolutions so that this remarkable progress, unprecedented in its boldness and courage, can be exploited to hasten the end of the war and the restoration of stability. That being our final aim, let us turn water into electricity, as Paul Éluard put it, and make each man — even the man to my right — our brother. That is the aim of the Government of the Democratic Republic of the Congo.

We expect the Council's decisions to speed up that process. I assure members that my Government is committed to making inter-Congolese dialogue easier — to facilitating facilitation and creating conditions conducive to calm, efficient work undertaken in secure and safe conditions by the United Nations forces. We call on all to ensure that this is handled boldly by, for example, linking phases II and III, which I hope are soon to follow, in order to hasten the process. The fact is that we are in a hurry.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the official public stage of its consideration of the item on its agenda. The Council will resume its consideration of the item at a private meeting to take place later today in this Chamber.

The meeting rose at 1.20 p.m.

United Nations S/PV.4157

Security Council

Distr.: General
15 June 2000

Original: English

Official communiqué of the 4157th meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters, New York, on Thursday, 15 June 2000, at 3 p.m.

At its 4157th meeting, held in private on 15 June 2000 at 3 p.m., the Security Council considered the situation concerning the Democratic Republic of the Congo.

The President extended invitations in accordance with the relevant provisions of the Charter and rules 37 and 39 of its provisional rules of procedure, as appropriate, to the members of the Political Committee for the Implementation of the Lusaka Cease-Fire Agreement, as well as Zambia, the representative of the Current Chairman of the Organization of African Unity and the Special Representative of the Secretary-General for the Democratic Republic of the Congo.

The members of the Council and the members of the Political Committee had a frank and constructive discussion.

00-48332 (E) 150600

United Nations S/PV.4158

Security Council

Distr.: General
16 June 2000

Original: English

Official communiqué of the 4158th meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters, New York, on Friday, 16 June 2000, at 5.30 p.m.

At its 4158th meeting, held in private on 16 June 2000 at 5.30 p.m., the Security Council continued its consideration of the situation concerning the Democratic Republic of the Congo.

The President extended invitations in accordance with the relevant provisions of the Charter and rules 37 and 39 of its provisional rules of procedure, as appropriate, to the members of the Political Committee for the Implementation of the Lusaka Cease-Fire Agreement, as well as Zambia, the representative of the Current Chairman of the Organization of African Unity and the Special Representative of the Secretary-General for the Democratic Republic of the Congo.

The members of the Council and the members of the Political Committee continued their frank and constructive discussion.

00-48572 (E) 170600

United Nations S/PV.4159

Security Council

Fifty-fifth year

Provisional

4159th meeting

Friday, 16 June 2000, 7.45 p.m.

New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Angell
	China	Mr. Chen Xu
	Jamaica	Mr. Ward
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mr. Gurirab
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Granovsky
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

The situation concerning the Democratic Republic of the Congo

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-48523 (E)

The meeting was called to order at 7.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President *(interpretation from French)*: I would like to recall the decision that was taken at the 4156th and 4157th meetings. The Council extended invitations, in conformity with the Charter and with rules 37 and 39 of its provisional rules of procedure, to the members of the Political Committee for the Implementation of the Ceasefire Agreement of Lusaka and to the representative of Zambia and to the representative of the Organization of African Unity, and to the Special Representative of the Secretary-General for the Democratic Republic of the Congo.

The Security Council is meeting in accordance with the understanding reached during its prior consultations.

Members of the Council have before them document S/2000/587, which contains the text of a draft resolution established during its earlier consultations.

I give the floor to the Minister of State for Foreign Affairs and Regional Cooperation of Uganda, in his capacity as Chairman of the Political Committee of the Lusaka Agreement, Mr. Amama Mbabazi.

Mr. Mbabazi (Uganda) I wish, on behalf of the Political Committee, to express our great appreciation once again for the invitation you extended to us when a United Nations team led by Ambassador Holbrooke came to our region. We have appreciated these two days of interaction. As I said, we had come with the hope and confidence that this interaction would give greater impetus to the implementation of Lusaka.

I am sure that you all now realize, after this intensive interaction over two days, that the Political Committee once again reaffirms its total commitment to the Lusaka Accord and does appreciate the commitment and support this Council gives to the Lusaka Agreement for the ceasefire in Congo. We therefore will go with the confidence that this interaction will result in faster and effective implementation of Lusaka.

We as a Political Committee have issued a statement which I would like to read out to you:

"At the invitation of the United Nations Security Council, the Political Committee for the Implementation of the Lusaka Ceasefire Agreement for the Democratic Republic of the Congo met in joint session with the Security Council in New York on 15 and 16 June 2000. The meeting reviewed the implementation of the Ceasefire Agreement, with particular emphasis on cessation of hostilities; conditions for the deployment of the United Nations Organization Mission in Congo (MONUC); disarmament, demobilization, resettlement and reintegration of members of the armed groups; the humanitarian situation, including the release of prisoners of war; and inter-Congolese political negotiations — our national dialogue.

"The Political Committee reaffirmed the commitment of the parties to the Agreement as the only viable means to finding a peaceful and sustainable solution to the problem of the Congo. To this end the Committee informed the Council that the Agreement, although it has suffered violations, generally has held.

"With regard to cessation of hostilities, the Political Committee briefed the Security Council on the measures taken to address the ceasefire violations. Among these are the adoption of the Kampala disengagement and redeployment plan and the subsequent drawing up sub-plans for each area, which will form the basis of active disengagement of forces.

"The Committee regretted the recent fighting in Kisangani between Rwandan and Ugandan forces and briefed the Security Council on the steps taken by the two countries to bring the situation back to normalcy. In this regard the representatives of Rwanda and Uganda confirmed that the fighting had stopped and that the withdrawal of their forces from Kisangani has commenced, with effect from Friday, 16 June 2000, in accordance with the agreement reached between the two countries with the assistance of MONUC.

"The non-State parties of the agreement also affirmed that they would respect the demilitarization of Kisangani and would have no

forces in the area in a radius of 100 kilometres. The withdrawal will be completed within one week.

"On the question of conditions for the deployment of MONUC, the Political Committee reaffirmed the assurances for the security, protection and freedom of movement of MONUC, its personnel and equipment, and therefore called upon the Security Council to expedite the deployment, as this would enhance the security situation in the Democratic Republic of the Congo and thereby accelerate the pace of the implementation of the Ceasefire Agreement.

"The Political Committee informed the Council of the adoption, during its recent meeting in Lusaka, of the mechanisms for the disarmament, demobilization, resettlement and reintegration of members of all armed groups.

"Regarding the release and exchange of prisoners of war, the Political Committee announced that all the parties had complied with the requirements of the International Committee of the Red Cross and Red Crescent and that the release and exchange of prisoners commenced on 16 June 2000, when a total of 181 prisoners of war were exchanged, mainly involving Rwandan, Zimbabwean, Namibian and Democratic Republic of the Congo forces.

"On the national dialogue, the Political Committee informed the Security Council of the efforts of the facilitator to start the inter-Congolese political negotiations, including the recent preparatory meeting in Cotonou, Benin. The Committee regretted that not all of the parties attended the meeting and, in this regard, called on all the Congolese to honour their obligations under the Agreement.

"The Political Committee appealed to the Security Council and to the international community at large to provide necessary and adequate resources to the facilitator of the inter-Congolese political negotiations and to the Joint Military Commission to enable them to discharge the important tasks assigned to them under the Ceasefire Agreement.

"The Political Committee expressed its appreciation to the Security Council for convening the second joint meeting and looked forward to the continuation of these consultations on the Democratic Republic of the Congo peace process."

The President (*spoke in French*): I very warmly thank Mr. Amama Mbabazi, Minister of State for Foreign Affairs and for Regional Cooperation of Uganda and Chairman of the Political Committee for his important statement, the positive nature of which each one of us has been able to see. I suggest that the Mission of Uganda to the United Nations ask that this statement be distributed as a document of the Security Council.

Mr. Ben Mustapha (Tunisia) *(spoke in French)*: Mr. President, I am very grateful to you for having given me the honour of making a short statement during this meeting. Permit me to take this opportunity to reiterate the deep appreciation of our delegation for your having organized this series of meetings between the Security Council and the Political Committee for the Implementation of the Lusaka Ceasefire Agreement. These meetings have been of great importance. They have been a success and I congratulate you for them. My country hopes that this partnership will develop and lead to peace, security and stability in the Democratic Republic of the Congo and in the region.

The deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is of capital importance for the implementation of the Lusaka Ceasefire Agreement. Tunisia has shown its commitment to the Agreement through its contribution to MONUC. The Tunisian military observers are in place. We have placed a support unit at the disposition of MONUC, at its headquarters.

As we are about to adopt this important draft resolution, which will make it possible to effectively implement phase 2 of the deployment of MONUC while consolidating the first phase, I would like to announce that that Tunisian unit is ready and is awaiting its departure. If the Department of Peacekeeping Operations says that it is ready, we can make this departure coincide with the celebration of the fortieth anniversary of the independence of the Democratic Republic of the Congo, next 30 June.

The President (*interpretation from French*): I thank Ambassador Ben Mustapha, Permanent

Representative of Tunisia, for his announcement. His statement is clear testimony to the commitment of the international community in favour of a peace settlement that is in conformity with the Lusaka Agreement in the Democratic Republic of the Congo.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2000/587) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bangladesh, Canada, China, France, Jamaica, Malaysia, Mali, Namibia, Netherlands, Russian Federation, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*interpretation from French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1304 (2000).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

Before adjourning the meeting, I would like to underscore the symbolic value — I think it is the first time this has happened in the history of the United Nations of your presence here at the Security Council table at the time of the adoption of a resolution. This symbol seals our partnership. We are by your side for the implementation of the Lusaka Agreement, but for that we first need the will — your will. On your way back to Africa, to your countries, take with you our thoughts and think of three words: peace, peace, peace.

The meeting rose at 8 p.m.

United Nations S/PV.4160

Security Council

Fifty-fifth year

Provisional

4160th meeting

Sunday, 18 June 2000, 10 a.m.

New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Ahmed
	Canada	Mr. Duval
	China	Mr. Shen Guofang
	Jamaica	Mr. Ward
	Malaysia	Mr. Kamal
	Mali	Mr. Kasse
	Namibia	Mr. Theron
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Sergeev
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kuchynski
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Ms. Soderberg

Agenda

The situation in the Middle East.

Report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) (S/2000/590).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-48592 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) (S/2000/590)

Mr. Sergeev (Russian Federation) *(spoke in Russian)*: Before we take a decision on the important item that has been before the Security Council for some time now, we should like to ensure that there is complete understanding among Council members on all aspects of the issue, especially given the fact that, as far as we know, there is additional information directly related to this item. In this connection, the Russian delegation would request that the meeting be suspended so that the Council might return to consultations. The meeting could be resumed later and, I hope, a decision taken.

Mr. Eldon (United Kingdom): Every delegation has the right to ask for a break in the meeting, as you know, Sir, and we would not object if the representative of Russia wished to do that. I would simply point out, though, that the matter that we are currently considering is urgent and that we have already spent a long time considering it. As far as my delegation is concerned, we hope very much that the break will be brief and that we will be able to resume this formal meeting extremely quickly.

The President *(spoke in French)*: At the request of the representative of the Russian Federation, I shall now suspend the meeting for what I hope will be only a few moments.

The meeting was suspended at 10.15 a.m. and resumed at 3.45 p.m.

The President *(spoke in French)*: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978), document S/2000/590.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the report of the Secretary-General of 16 June 2000 (S/2000/590) and endorses the work done by the United Nations as mandated by the Security Council, including the Secretary-General's conclusion that as of 16 June 2000 Israel has withdrawn its forces from Lebanon in accordance with resolution 425 (1978) of 19 March 1978 and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460). In this regard, the Council notes that Israel and Lebanon have confirmed to the Secretary-General, as referred to in his report of 16 June 2000 (S/2000/590), that identifying the withdrawal line was solely the responsibility of the United Nations and that they will respect the line as identified. It notes with serious concern reports of violations that have occurred since 16 June 2000 and calls upon the parties to respect the line identified by the United Nations.

"The Security Council welcomes the steps already taken by the parties to implement the recommendations of the Secretary-General contained in his report of 22 May 2000.

"The Security Council calls on all parties concerned to continue to cooperate fully with the United Nations and the United Nations Interim Force in Lebanon (UNIFIL) and to exercise utmost restraint. The Council re-emphasizes the need for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries.

"The Security Council, recalling resolution 425 (1978) and resolution 426 (1978) of 19 March 1978, calls on the Government of Lebanon to ensure the return of its effective authority and presence in the south. The Council notes that the United Nations cannot assume law and order functions which are properly the responsibility of the Government of Lebanon. In this regard, the Council welcomes the first steps taken by the Government of Lebanon and calls upon it to proceed with the deployment of the Lebanese armed forces as soon as possible, with the

assistance of UNIFIL, into the Lebanese territory recently vacated by Israel.

"The Security Council welcomes the measures taken by the Secretary-General and the troop-contributing countries relating to UNIFIL augmentation, in accordance with paragraph 32 of the report of the Secretary-General of 22 May 2000. The Council stresses that the redeployment of UNIFIL should be conducted in coordination with the Government of Lebanon and with the Lebanese armed forces as stated in paragraph 21 of the report of the Secretary-General of 16 June 2000. In that context, the Council invites the Secretary-General to report back on the measures taken to that effect and those taken by the Government of Lebanon to restore its effective authority in the area, in accordance with its resolutions 425 (1978) and 426 (1978). The Council looks forward to the completion of the mandate of UNIFIL and will review by 31 July 2000, the need to extend the present mandate of UNIFIL, taking into account the report of the Secretary-General on the implementation of resolutions 425 (1978) and 426 (1978), including the actions taken by the Government of Lebanon to restore its effective authority in the area.

"The Security Council expresses its appreciation and full support for the continuing efforts of the Secretary-General, his Special Envoy to the region, the Chief Cartographer and their staff. It commends the troops of UNIFIL and the troop-contributing countries for their commitment to the cause of international peace and security under difficult circumstances. The Council calls on all parties concerned to continue to cooperate with the United Nations, and reiterates the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 1994.

"The Security Council stresses again the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions, including its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2000/21.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.55 p.m.

United Nations S/PV.4161

Security Council

Fifty-fifth year

Provisional

4161 st meeting

Tuesday, 20 June 2000, 10.30 a.m.

New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Listre
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Duval
	China	Mr. Shen Guofang
	Jamaica	Mr. Ward
	Malaysia	Mr. Hasmy
	Mali	Mr. Issouf Maiga
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Holbrooke

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-48960 (E)

The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Judge Claude Jorda, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

There being no objection, it is so decided.

I invite Judge Jorda to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them a letter dated 14 June 2000 from the Secretary-General and its enclosures, document S/2000/597.

Members of the Council also have before them photocopies of a letter dated 12 May 2000 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which will be issued as a document of the Security Council, and of a letter dated 14 June 2000 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

At this meeting, the Security Council will hear a briefing by Judge Claude Jorda, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

I now call on Judge Jorda.

Mr. Jorda (*spoke in French*): Mr. President, allow me first to express my gratitude for the honour you have bestowed on me by providing me with the opportunity to address the Council. I say this not just on my own behalf but also on behalf of all of the judges of the International Criminal Tribunal for the former Yugoslavia (ICTY), who appointed me to my post in November 1999. This is yet another indication of the Council's unflagging interest in our work.

Quite recently the Council received and heard the Prosecutor, Mrs. Del Ponte. She spoke of her concerns and of her criminal policy. Of course, her statement related mainly to her work. The Council will not be surprised, therefore, that shortly thereafter, the President of the ICTY has come here to speak in his capacity as a judge to share with the Council the judges' concerns about the functioning of the Tribunal. I will be presenting these concerns on the basis of a report we prepared, which I had the honour of filing with the Secretary-General on 12 May last. This is what I wish to brief the Council on.

Why are we seeking to improve, or even to reform, the ICTY? In the document presented in support of our proposals which was circulated to the Council, several answers to this question can be found. I will therefore limit my comments to emphasizing some of the most outstanding points.

What we are saying is that the time has come to put forward proposals designed to make our Tribunal more effective. In this respect, we are taking up the objectives of the Expert Group mandated by the Secretary-General to evaluate the effectiveness of the Tribunal's activities, pursuant to the General Assembly's resolution of 18 December 1998. As the Council is aware, that Group studied every aspect of the Tribunal's functioning for more than six months. The very significant and productive work of this Group gave rise to 46 particularly relevant recommendations, which have been of great benefit to the Tribunal. I can answer questions in this respect if the Council deems it

advisable. Indeed, many of these recommendations have already been implemented, or will soon be.

The Council may wonder why a further report is necessary or why new proposals are needed. It is because the perspective here is different, even complementary.

The analytical and reflective work done by the judges is primarily judicial and consists of the judges' views of their own activities. More than that, however, this is their first attempt to project themselves into the future using as a starting point a critical evaluation of their strictly judicial activity. Our report does not supplant that of the Expert Group but is, in some respects, a forward-looking extension of it.

The conclusion we have reached is that, on some points at least, the International Criminal Tribunal for the former Yugoslavia must be reformed. Reform is needed because the Tribunal is about to succeed in its mission or, to be more precise, the missions entrusted to it in 1993 by the Security Council.

Behind this apparent paradox are several facts that must be taken into account in order to assess the need for this historic instrument of international justice to move once and for all out of the age of official recognition to that of universal credibility, the only one that is truly of importance to anyone seeking real progress in the field of human rights.

More than six years after its establishment, has the Tribunal met these expectations? Has it achieved the missions entrusted to it?

If one attempts to move away from the scepticism that surrounded this institution's first steps, recalling that the Tribunal was set up at a time when the conflict was still raging and when the leaders, the main players in the conflict, were — and to some extent are still — the heads of their Governments, one can objectively conclude that the Tribunal has fulfilled many of the hopes placed in it.

But it is impossible to gloss over the difficulties encountered, which, in several respects, prevent me from feeling any kind of self-satisfaction. The opposite is true, I think. An unflinching review must be the starting point for suggesting ways to initiate reforms designed to transform a tentative success into a decisive and irreversible step in the progress of international humanitarian law.

Let me return to the responsibilities of the Tribunal. To judge those responsible for "ethnic cleansing", to render justice to the victims, to prevent recidivism and to work on ensuring that history is not rewritten by blind revisionism was, and is, the immense task entrusted in November 1993 to the 11 judges from the five continents who were elected by the General Assembly.

Let us be clear: the establishment of the Tribunal has not prevented recidivism. The fall of the Srebrenica enclave and, later, the hundreds of thousands of Albanians expelled from Kosovo are seared into the hearts of those who believe in the exemplary virtue of justice. Perhaps this weapon was not in and of itself sufficient, or perhaps it was too tentative, to succeed in driving away the deadly fumes of nationalism by threat alone.

Establishing the truth behind events and preventing all forms of revisionism have always been the underlying objectives of all international criminal justice systems, and in particular the system practised in The Hague. Much has been accomplished on that score. The atrocities committed and the plans that were their inspiration are no longer merely the subject of media accounts or of the descriptions of commissions of experts, which are always vulnerable to polemic. These events have entered into the realm of incontrovertible judicial evidence. Vukovar, Sarajevo, Srebrenica and so many other places where acts of cruelty took place have also become legal sites through the trials of the main persons accused who played the principal roles in what happened.

But prosecuting and trying those responsible is nevertheless the *raison d'être* of any criminal court. When it comes to an extraordinary type of justice, such as that rendered in The Hague, and because the most serious crimes committed against humanity are involved, that justice must also be especially exemplary. I think we would all agree on this. That justice must also conform to the highest standards of humanitarian international law in respect of both the victims and the accused. In short, it must move that law forward, a law that is constantly being reborn.

As regards the strictly judicial record, and in view of the background on which this institution was created, I believe one would need to be a partial or very partisan observer — and it is true that there are still many of those today — not to credit the Tribunal with

a certain amount of progress. I would like to recall here that — beginning with absolutely nothing, neither a body of judicial or procedural rules, no logistical capacities, no budget, facilities or accused persons — in six years the Tribunal has adopted a number of rules and directives, including the Rules of Procedure and Evidence, to which we shall return, the Detention Rules, and the directive on the assignment of defence counsel. It has set up its Detention Unit along with its Victims and Witnesses Section. The Tribunal has indicted 96 individuals — 36 of whom are currently in detention — rendered 16 judgements on the merits of cases and issued several hundred interlocutory decisions and orders of various sorts, including some on very important matters for which there was no international precedent. Above all, however, I believe it has demonstrated what is most essential: the fact that an international judicial institution is both feasible and operational.

Nonetheless, the time seems ripe to ask questions as to the Tribunal's future and to attempt to anticipate many of the difficulties that I have spoken about, and to which I shall return, which if not got under control and resolved may put at risk the accomplishment of its mission and compromise its very *raison d'être*. We feel that the time is now right. The Tribunal has reached a turning point in its history. Its very success, like many internal or peripheral factors, has led us to propose a number of measures to those who have the political responsibility for deciding what is to become of the Tribunal in the future, namely, the Security Council.

First, there are the evident and significant political changes in the Balkan region, changes that may even be said to be accelerating and whose impact must be measured. These are followed by other factors that must be considered, such as the increasingly assertive support of the international community; in response to our constant calls, it has ensured that we have ever-more active cooperation with regard to arrests, which are now increasing regularly. The Tribunal is, as a result, confronted with the matter of "quantitative" management, even though it cannot yield as regards the exemplary and "qualitative" character of its proceedings. But no matter how exemplary our trials seek to be, they have nevertheless become increasingly complex as judges deal with questions and problems for which no ready-made solutions exist in international criminal law.

The perspective of the Office of the Prosecutor should also be included. I would like to repeat that this body is completely independent of the judges, as it should be. Here I am referring to criminal policy, which we do not make, and which will be followed much more regularly in the months and years to come. Several dozen investigations are ongoing, which, when added to those already conducted and completed, will bring almost 200 accused persons to The Hague. Ms. Del Ponte confirmed this figure to the Council two weeks ago.

Is it conceivable that high-level political and military officials — whether they have surrendered or have been arrested — would spend long months in detention awaiting trials? Pre-trial detention has already become lengthy, which has given rise to disputes over requests for provisional release. As the Council knows, and I shall not go into detail, some of those requests have been granted by judges. It is paradoxical that such a situation should arise at a time when the Tribunal is pressing for the arrest of all those it has indicted.

Lastly, and not least important for both us and the Council, the place the Tribunal now occupies within the mechanism of international humanitarian law, especially in view of the establishment and implementation of the International Criminal Court, places a degree of responsibility on the Council and on us. In this regard, there is no question that much of what is being done in The Hague will serve, at best, as an example of what should be done and, at worst, as an example of what should not be done. By demonstrating that universal criminal justice is possible and feasible the Tribunal has in some respects assisted in the putting in place of a more permanent judicial organ. Still, this demonstration must continue until the end. A failure of the Tribunal for whatever reason would deal an extremely heavy blow to the future Court at the very moment that many States are on the verge of ratifying the treaty that established it.

It must be noted that the Tribunal's prospects are worrisome and that it is now necessary to anticipate what may happen. The workload of the Tribunal is currently so heavy that, if no remedy is found immediately, the institution's very credibility will be called into question. We owe the accused a trial that is of course fair, but also one that is expeditious. We owe expeditious trials to the victims and also to the international community, which has placed its faith in

us. It is true that although the need for expeditiousness is an excruciating problem for all advanced legal systems, the need in an international criminal justice system is even more critical, because crimes recede into the past and are increasingly removed from the commission of the criminal acts themselves. The collection of evidence is often in the hands of the States involved in the conflict or, as the Council is aware, even in the hands of other States involved in the interposition or peacekeeping forces. The diplomatic and political component inherent in an unprecedented judicial institution creates the major problems facing the Tribunal. These are all factors that do not contribute expeditiousness. They also explain why the procedural system, despite the many changes designed to accelerate matters, still leaves trials too much in the hands of the parties.

We must be clear. The prospective study that the Tribunal has just conducted shows that if nothing changes — either with regard to criminal policy, the rules of procedure or the Tribunal's format and organization — and that if, conversely, all the elements, especially the political ones, are moving towards an unavoidable increase in cases, then there is no doubt that the Tribunal's original 1993 four-year mandate, which was renewed in 1997 for an equal duration, will need to be extended not once, not twice, but at least three or four times. But from my point of view, this situation would penalize both the accused and the victims. International justice would not be any grander as a result.

What should be done then? What should be proposed? I did not come before the Council to offer only a diagnosis. Far from wanting to paint an overly dramatic picture, I believe that things should instead be properly considered. By that I mean that we must be aware that problems exist that are related to the very vitality of the institution and not to any type of possible debility. We are faced with a "growing pain" that we must control rather than letting it control us.

After having considered the entire range of possible solutions — at least those falling within their province, the non-political solutions — and after having analysed all the advantages and disadvantages, the judges unanimously supported a flexible, pragmatic solution that combines internal procedural, practical and organizational reforms and, of course, reforms that would reinforce the Chambers' trial capacity. I would like to generally describe what is proposed.

The idea is simple: the practice of an initially highly adversarial procedure has shown us that more initiative and manoeuvrability should be left to the judges, who in the final analysis are the sole custodians of the universal values that underpin the missions assigned to them. This trend, which began in 1998, relates first and foremost to the pre-trial phase, that phase between the initial appearance of the accused following his arrest and the beginning of the proceedings themselves. This phase was put under the control of a pre-trial judge, a Tribunal judge working in this capacity. In the plan presented to the Council, this phase, known as pre-trial case preparation, would be handled in part by professional legal experts, who themselves would be acting under the authority and control of the judges. I emphasize this point because I know it can raise some questions on the control and authority of judges.

This phase would make it possible to have an ongoing, fruitful dialogue with the parties, in order to give us a trial pruned of all its useless branches and focused on the real factual and legal issues. This pre-trial phase of the case would be — and this is not the least of its advantages — dealt with on a priority basis by the judges right after the accused's initial appearance. The accused would then see his case being dealt with immediately following his arrest, which is not always the case today because of the large workload of judges, whose time is almost completely taken up by hearings. The pre-trial phase would thus be conducted on an uninterrupted basis, free of the chronic bottlenecks in the Chambers.

However, the fluidity gained at the pre-trial phase is meaningful only if the many trials — that is, the many hearings — can be held as soon as they ready. This is the second aspect of the proposed reform, which, naturally, complements the first. In order to deal with the significant number of trials awaiting them — 61, I think — and without formally rejecting the creation of additional trial chambers along the lines of what was adopted at our request in 1997, the judges then also opted for a flexible model adaptable to the necessarily changing situations that the Tribunal has been facing and will continue to face.

The creation of a pool of Judges who would be called on as soon as a case was trial-ready, and only for that one trial, seemed to us a solution with merit in several respects. It would be best suited to the irregular pace of the indictments, arrests or even important

incidents that may affect the pre-trial phase. Since the *ad litem* judges would be called to The Hague for a specific case only, many more judges, and consequently many more States, would participate in the work of international justice.

The document that has been prepared shows the high level of productivity that can be expected from the proposed combined solution. In practical terms, the period of the mandate assigned to the Tribunal — at least insofar as the first-instance trials are concerned, and I will return to this later — could be shortened to terminate at the end of 2007, instead of 2016, a gain of 9 years; that is, half the time. We can therefore hope that at the time the International Criminal Court is set up, our International Criminal Tribunal will have completed its task at least in terms of first-instance trials. Of course, appeals would remain. That alone presents particular complex problems because it is attached to the appeals proceedings in the Rwanda Tribunal, judges from The Hague will take up the Rwanda appeals. In that regard, we support the idea of reinforcing the Appeals Chamber with two additional ad hoc judges, as recommended by the Expert Group. Let me add that the solution of resorting to *ad litem* Judges will be valid for the Appeals Chamber because by 2007 first-instance trials will have been concluded. I believe there are 14 Tribunal judges who could complete the cases under appeal.

The judges are aware that these proposals will not resolve all the questions. We also know that their implementation raises many questions. However, while the judges have exceeded their role to a certain extent, they have also presented their reflections on a set of outstanding questions, on which the judges are sometimes divided.

The statutory implications were also considered. In this respect, the plan appears to be overly focused on the Tribunal's productivity. It is true that that remains our highest priority. However, other aspects relating to the Tribunal's operation have not escaped our attention. Through two permanent working groups — the rules committee, presided over by the British Judge Richard May, and the judicial practices working group, presided over by the Portuguese Judge Almiro Rodrigues — the judges are constantly striving to improve the way they themselves operate, I can assure the Council.

I would, moreover, like to state that the proposed changes would require an amendment to the statute. I appreciate how difficult this would be, but an amendment was already made in 1997. I believe it is legitimate for an institution in existence for almost seven years to make adjustments requiring a legal basis, which amendments to the Rules of Procedure alone would not provide. Changes dealing with the establishment of *ad litem* judges could also be used to introduce into the statute several other modifications dealing, for example, with additional judges for the Appeals Chamber, as recommended by the Expert Group of which I spoke a moment ago; or with the important matter of compensation for persons unjustly detained or prosecuted; or with the suggestions made here by Ms. Del Ponte two weeks ago relating to compensation for victims funded by the seizure of the revenues of the convicted. Subject to the opinion of my colleagues, I fully support those suggestions.

Lastly, I would like to add that the document presented to is not a budgetary document. That is true. Such an analysis does not fall within the jurisdiction of the judges. Nonetheless, mindful of the financial burden represented by the Tribunal — $95.8 million per year — the Judges, I can assure the Council, have made their own proposals, always bearing in mind this important aspect of the proposed reform. In this respect, recourse to *ad litem* judges seems to be the least costly solution, when compared to the creation of additional Chambers with permanent judges.

Above all, however, given that our demonstration may not have been entirely conclusive, it appeared especially clear that this solution would make it possible, I recall, to set a reasonable expiration date for our work — at least in the first instance — and that, in budgetary terms, the time differential — permitting savings of almost 10 years of mandate time — when compared to any other solution and, a fortiori, when compared to the status quo — needed to be considered.

Concretely speaking, I would ask the Council to review all the problems linked to the operation of our Tribunal, which is also the Council's own. Not everything must be done immediately, but I believe that, at first, and after some time for reflection, perhaps in the framework of a working group — to which I would wish to participate on behalf of the Tribunal in whatever capacity would be most useful and timely — the Statute could be amended in order to introduce at least the principle of appointing *ad litem* judges, if not a number of such judges themselves. The mechanisms for selecting and assigning judges to cases present very

important problems which the judges themselves have discussed. Recourse to these judges would, of course, remain subordinated to the needs of the Tribunal.

I would conclude my rather lengthy briefing by saying that the judges are not unaware of the difficult and complex effort again being asked of the international community, and the Security Council in particular. They feel that everything which has been accomplished to date argues in their favour, so that the confidence placed in this unprecedented institution will be maintained. We can, of course, continue to make progress amongst ourselves and will continue to do so. However, one must not believe that justice, as rendered in The Hague — which, since 1993, has been bearing, together with Arusha, many of our hopes for the implementation of more permanent and universal justice — can be created and, especially, developed without a sustained effort on the part of one and all. I would quote the most recent observations of our institution, those of the Organization itself — as represented by the Expert Group, mandated in 1998 and reporting in November, just six months ago.

> "To the extent that there may have been expectations that the Tribunals could spring to life and, without going through seemingly slow and costly developmental stages, emulate the functioning of mature experienced prosecutorial and judicial organs in national jurisdictions in adhering to a high standard of due process, such expectations were chimerical." (S/2000/597, para. 264)

By establishing the Tribunal in 1993, the Security Council took an historic decision, one of the greatest challenges since Nuremberg, stating that crimes against humanity or genocide, conceived and committed by man in the name of racist and xenophobic theses, would not go unpunished. It redounds to the Council's honour that it said and did this.

By taking up this challenge, the judges at The Hague feel that, in their courtrooms, they have been able and are able, with impartiality — yes, impartiality — tenacity and conviction, to hear the cries of the victims and contribute in this way to ensuring that, in history's memory, the tragic events which occurred in this region are neither forgotten nor, what is more serious, distorted into a kind of revisionism which, as we know, represents a danger to democracies. On behalf of my colleagues, I ask the Council to allow us to continue and to complete this exalting task.

The President (spoke in French): I thank Judge Jorda for a briefing that was eloquent and characterized by great vision and clarity. He gave us specific proposals on how to improve the functioning of a Tribunal that our Council created in 1993. This Tribunal is an essential element of the return to peace in the former Yugoslavia, because we all know that there can be no peace without justice. The Tribunal, however, also represents considerable progress in international law and the universal conscience. Hence, the important of today's debate. The smooth functioning and effectiveness of the Tribunal are of concern to us. What we have to say will help it fulfil the important task that we entrusted to it.

I now call on members of the Council.

Mr. Lavrov (Russian Federation) (spoke in Russian): We thank Judge Jorda for introducing the report before us.

We welcome the efforts of the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) to improve the functioning of that body of international criminal justice. We understand their frustration at the pace and methods of the functioning of the Tribunal. For our part, we, too, have serious reservations about the work of that international body.

When it established the Tribunal, the Security Council believed that the ICTY would make an important contribution to settling the crisis in Yugoslavia and that it would fulfil this task unburdened by political considerations. Unfortunately, however, we have seen political ambitions emerge in the activities of the Tribunal and a clear anti-Serb line has been adopted. Having predetermined for itself the main culprit in the Yugoslav tragedy, the Tribunal nevertheless often turns a blind eye to cases of non-compliance with the norms of international humanitarian law by other parties to the conflicts.

When it comes to reports of violations committed by the Federal Republic of Yugoslavia, the Tribunal immediately issues indictments and gets down to work, as, for example, in the case of the situation in Kosovo. However, if questions arise — for instance, concerning

the actions of the North Atlantic Treaty Organization (NATO) — the Tribunal, even in the face of such obvious facts as the deaths of innocent civilians, the destruction by air strike of civilian targets, finds no grounds for launching an investigation. We are appalled by the Tribunal's failure to act in response to ongoing ethnic cleansing against Serbs and other national minorities in Kosovo.

With respect to the judicial activities of the Tribunal, we cannot fail to recall that, when the statute of the body was being drafted, it was assumed that the ICTY would strictly apply only existing norms of international humanitarian law. The statute says nothing about the right of the ICTY to create any new law. In practice, however, an entirely different picture has emerged. In recent years, the Tribunal has repeatedly tinkered with the norms and rules of international humanitarian law to suit its own purposes and interpreted them at it own convenience. Moreover, exploiting the lack of any real control by the international community over the elaboration of the rules of procedure and evidence, the Tribunal has introduced into these documents some very legally dubious practices, such as handing down sealed indictments and submitting them to international organs.

Also wrong was the 1996 decision taken by the Tribunal, behind the Security Council's back, to conclude a memorandum of understanding with NATO, which virtually sanctioned the special operation by the NATO contingent in Bosnia and Herzegovina, whose purpose was to track down indictees. This runs counter to the mandate of the Stabilization Force in Bosnia. Let me recall that the memorandum remains secret and has yet to be submitted to members of the Security Council.

In our view, then, the ICTY is not helping, as it should, to normalize the political process in the former Yugoslavia. Moreover, the Tribunal's activities have had a destructive impact on the process of reaching a settlement in the Balkans. This situation cannot fail to be of concern to us. In our view, the Security Council needs to engage in a thorough, careful consideration of this matter.

We are convinced, for example, that the Tribunal's Rules of Procedure and Evidence, as well, of course, as the amendments made to them, should be approved by the Security Council. Moreover, the activities of the Tribunal should be brought into conformity with the resolutions of the Security Council. If we do not do this in the near future, the Tribunal will no longer be viewed as an impartial organ handing down fair international justice.

With regard specifically to the proposals contained in the report of the President of the ICTY, Judge Claude Jorda, these are controversial in many respects; we do not think they have been the object of sufficient work. It is our understanding that there is a lack of unanimity on these proposals among the judges of the Tribunal as well. It is noteworthy that two years ago the Security Council, at the Tribunal's request, increased the number of judges. At that time, Ms. Gabrielle Kirk McDonald justified the creation of an additional trial chamber by assuring the Council that it would significantly speed up the Tribunal's discharge of its mandate. But that measure has yielded virtually no results.

Judge Jorda's report includes the rather discouraging conclusion that, if those against whom indictments have already been issued and those now under investigation were brought to justice, the Tribunal would require 15 to 20 years to deal with all cases. That forecast, of course, makes us think hard about whether so long a time is advisable for the functioning of what is supposed to be an ad hoc body.

The solution being proposed to resolve this situation — the appointment of *ad litem* judges — needs careful analysis. At first glance, it does not inspire particular optimism in us. Very careful study is required also of the financial implications of the proposed innovations.

Thus, while we are certainly prepared to consider the judges' proposals, we think it is important to conduct a wide-ranging, thorough analysis not only of those proposals but also of other views on how to enhance the effectiveness of the work of the ICTY, in particular the ideas set out in the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, contained in document S/2000/597, along with ideas to be found in other available documents.

If it is necessary to change the statute of the Tribunal, as the President of the ICTY proposes in his report, the question must be approached in a

comprehensive fashion on the basis of a comprehensive analysis of the work of the Tribunal and bearing in mind the need to redress the well-known deficiencies in that work. That is the position we shall adopt when we consider the proposals regarding organizing the work of experts in the Security Council to discuss possible amendment of the statute of the ICTY.

We reaffirm that Russia will support the activities of the Tribunal on the condition that these are strictly in keeping with the mandate adopted by the Security Council for that body.

Mr. Ward (Jamaica): My delegation thanks Judge Claude Jorda for his report and for his briefing.

The International Criminal Tribunal for the Former Yugoslavia is an organ of the international community, empowered to dispense justice on its behalf. It is imperative that the Tribunal receive the unequivocal support of the international community so that the message is clear to those who have engaged in egregious criminal acts against humanity that they will not escape with impunity. That message must be understood by all.

In that regard, we must ensure that the system of justice we have established operates under procedures that are fair and impartial. The Tribunal has been criticized in the past for long pre-trial delays after an indictee has been taken into custody. We recognize that some of those delays may be directly related to dilatory tactics employed by defence counsel. However, we are also aware that the problems in the system identified by Judge Jorda bear most of the responsibility for the delays. As Judge Jorda is fully aware, justice delayed is justice denied.

We hold to the view that justice must be swift and certain. We also recognize that pre-trial release, though a viable option for national courts, is not a practical approach for an international criminal tribunal. The reasons are obvious and do not need elaboration.

In that regard, my delegation believes that full consideration of the report and recommendations presented by Judge Jorda is timely and appropriate. The changes in the Rules of Procedure and Evidence that have been adopted so far by the Tribunal will undoubtedly help improve the efficiency of the Tribunal and move the trial process forward. We recognize, however, that these changes in the Rules of Procedure and Evidence, which must evolve over time and with experience, will not be enough to achieve the desired result. Expansion of the capacity of the Tribunal at the pre-trial, trial chamber and appeals chamber levels requires urgent attention.

In that regard, we believe the recommendations that Judge Jorda has presented to us with regard to the appointment of the *ad litem* judges deserve our consideration. This proposed expansion in the capacity of the Trial Chambers, coupled with the recommendation for legal officers delegated to perform pre-trial functions, should improve the Tribunal's efficiency in its dispensation of justice.

As Judge Jorda has explained, these two changes in the Tribunal will allow for additional Trial Chambers, with the obvious desired result. The period from arrest to trial will be reduced significantly. Both changes are, therefore, of equal importance.

My delegation has been concerned about the structure of the Appeals Chamber, in particular the fact that the judges of the Trial Chamber have this dual responsibility. We believe this creates a situation in which the Appeals Chamber may find it difficult to operate with impartiality and might be tainted by the trial process. The appeals process should be fair and impartial and should be above reproach. In this regard, the recommendation to establish a permanent Appeals Chamber, insulated from the trial process, is worthy of our support.

The recommendation to appoint two judges from the International Criminal Tribunal for Rwanda to the Appeals Chamber also should be given serious consideration.

The recommendations that we revisit the statute of the Tribunal to improve the Tribunal's efficiency must be seriously considered by the Security Council. We will have an opportunity to evaluate the changes that have been recommended, and my delegation looks forward to participating in this process, while taking into consideration the views of the international community, and also bearing in mind the mandate of the Tribunal.

Mr. Holbrooke (United States of America): I wish to thank you, Mr. President, for holding this important meeting today. Let me join everyone else in welcoming Judge Jorda to the Security Council.

Judge Jorda, I would like to thank you for your presentation. I apologize for being unable to hear all of

it, but I will read it carefully. I already have the highlights, and I want to begin by expressing my Government's strong support for your efforts and to take note of the fact that, like our President for the month of June, you come from France, and I am therefore doubly delighted to be bracketed between two such distinguished representatives of the international community and of the Government of France.

At the outset, I would like to talk about four things: your work in general, and the Balkans, Rwanda and Sierra Leone specifically, because these issues embrace a core goal of the United States, which is to find every means possible to bring to justice people who might sometimes escape the law if it is left only to domestic purposes. So important is this issue in the eyes of my Government that Secretary of State Albright has created a special position simply for this issue, filled by my friend and old colleague, David Sheffer, who has come up from Washington again today to join us at the Council for the second time in two weeks. He is seated behind me to my right, and I welcome him back to the Security Council again today.

The United States remains committed to bringing to justice those responsible for war crimes in the former Yugoslavia. Creating these Tribunals for the former Yugoslavia and Rwanda is an historic achievement. Perhaps they were not perfect in every respect, because they were setting new precedents at every stage, but they are historic, and they must succeed. Our Government is committed to that. Any criticisms we may make — in terms of operations, management, budgets, processes — must be understood at all times within the context of the fact that this is criticism from friends, designed to improve operations.

The objectives of the Dayton Peace Agreement, now almost five years old, cannot be fulfilled until the people responsible for these crimes are in the jurisdiction of the war crimes Tribunal and prosecuted. I am delighted that Mr. Krajisnik is now in The Hague, and I await the day when Mr. Karadzic, Mr. Miladic and others will be delivered to The Hague. I also want to point out in the clearest possible terms that long-term peace and stability in the Balkans will not be possible as long as the current leadership in Belgrade is in power. Those people who have been indicted also should be brought to justice.

My Government welcomes Judge Jorda's proposals on ways to streamline the Tribunal's operations in order to reduce the current backlog and improve the efficiency of the Court. This is vitally important. Much of the criticism that has been directed at the Tribunal's operations has validity. Let us not shrink from the truth, even when it is critical, because we must deal with the problems in order to make the process work. In particular, we support his two principal recommendations, on the delegation of pre-trial management responsibilities and the designation of *ad litem* judges to increase trial capacity.

Above all, we must ensure that any reforms reinforce rather than distract from the core mandate of the Council. Our task is to strengthen the Tribunal's ability to bring criminals to justice. We would oppose any changes that would weaken the Tribunal's capacity to do the important job set before it. We must ensure that our efforts to streamline the Tribunal do not in any way complicate the ability of the Prosecutor to apprehend those at large.

President Jorda, while I know that your primary responsibility in addressing us today is to discuss your work in the former Yugoslavia, your presence here reminds us of the important role that justice and reconciliation play in peace processes around the world. Nowhere is this need greater than in Sierra Leone.

Mr. President, with your permission, I would like to address that issue, because it is directly related to the subject that we are here to talk about today. As we have discussed in this Council before, no mistake should be made about our Government's attitude towards the leaders of the Revolutionary United Front (RUF), who have created this terrible tragedy in Sierra Leone. We do not believe that Sierra Leone can have a peaceful and stable future until they are brought to justice. In recent weeks, and in recent days, I have had talks with many members of the Council, members of the Secretariat and Carla del Ponte about this important issue. We take note of the fact that, according to well-confirmed press reports, President Kabbah has already addressed communications to the Secretary-General on this issue and that he has asked for the extension of some international war crimes umbrella to cover the people about whom we are talking, the leaders of the RUF.

We look forward to hearing the expert views of the Secretary-General and of the experts in the Legal Division on how to proceed. Some form of extension of

the international war crimes umbrella to cover these odious people must be undertaken. The actual details, as we have heard in this Council from Mr. Zacklin, who I see is with us today, are something that we need to learn more about. I look forward to hearing a serious, sustained discussion of the options before us. My Government would like to do whatever is to be done swiftly and efficiently. Creating a new tribunal probably would not fulfil that criteria, as Mr. Zacklin himself has indicated previously, but some form of international umbrella, as suggested by the President of Sierra Leone and as proposed by many other people here. This is something that I believe must be looked at very positively and with a view towards action at the earliest possible opportunity.

I want to also note with very high approval that when the Lomé Agreement was signed last year the Secretary-General of the United Nations noted in a reservation, as the Secretary-General's representative witnessed the Agreement, that Lomé could not be considered an obstacle to the prosecution of those charged with fundamental violations of international humanitarian law. That was an important and far-sighted reservation set down by the Secretary-General and his staff in the Office of Legal Affairs. I commend them for their foresight, and I take note of that reservation with the highest approval from my Government.

Our Government is committed to the rapid creation of a vigorous internationally backed mechanism, or the extension of existing mechanisms, to address these grave acts of inhumanity. We look forward to hearing the views of the Secretariat, the views of Judge Jorda and Carla Del Ponte, and those of other members of the Security Council. We look forward to working in partnership with the Government of Sierra Leone to move forward in this direction.

Finally, let me turn to the question of Rwanda. This Tribunal has obviously moved more slowly than any of us are satisfied with, but it has moved, and although we are concerned about some inefficiencies in it — inefficiencies that we have addressed and will continue to address directly with the people responsible — I want to reaffirm our Government's support for it.

Mr. President, I thank you for calling a meeting on this issue of immense importance. You will recall from our previous work in regard to ending the war in Bosnia that France and the United States never wavered in their support of the war crimes Tribunal, and that without that Tribunal the Dayton Peace Agreement would not have been possible in its present form. I am deeply concerned at attacks on it that have been uttered here today by other delegations. While specific criticisms are always welcome, the charges of bias are not only not proven, they are not accurate. The countries uttering these criticisms were full participants in the Dayton process. They agreed to what was being done, and I do not think that the criticisms are justified, valid or productive.

Again, Mr. President, thank you very much for the opportunity to address you and Judge Jorda. I welcome him, on behalf of our country, to this great Chamber to share his views.

Mr. van Walsum (Netherlands): My delegation is grateful to Judge Jorda for his briefing, for his report on the operation of the International Criminal Tribunal for the former Yugoslavia (ICTY) and, most of all, for his inspiring leadership as President of that institution.

The negotiations on the establishment of the International Criminal Court have shown time and again that the example of the two Tribunals — the one on the former Yugoslavia and the other on Rwanda — is crucial for the establishment and further development of individual criminal responsibility for universal crimes.

We appreciate the careful attention the Tribunal has paid to the report of the Expert Group, which has conducted a review of the effective operation and functioning of the ICTY and the International Criminal Tribunal for Rwanda, and we note that it has subscribed to several of its recommendations.

At this time, my delegation will not go into the selected measures that could be taken to improve the Tribunal's operation. Most of these, obviously, are to be welcomed, but some require further reflection on our part.

We are aware that Judge Jorda's report, presented on behalf of the judges of the Tribunal, is before the Security Council on account of its mix of potential diplomatic, legal, administrative and financial implications. I believe we can all agree that the effect of the increasing number of indictments and arrests on the average trial length should be our greatest concern.

The report is right in making mention of the ever-greater expectations of the international community. The Tribunal has undoubtedly proved itself, but the international community seems to have suspended its judgment until the most senior officials are arrested and brought before the Tribunal. By then the problems described in the report must be solved.

The report rightly points out that it is difficult to imagine the senior political and military leaders of the countries involved in the conflict spending many months on remand before their trials can begin.

All the same, Judge Jorda has warned us not to dramatize the problem, but he has also stated that the Tribunal has reached a turning point in its history. It is, of course, largely a matter of disposition and attitude whether one would describe a turning point as dramatic, but let us agree that the matter is of the utmost importance.

During the almost seven years of its operational existence, the Tribunal has managed to form itself into a fully operational judicial instrument. It has already demonstrated that universal criminal justice is possible and feasible, and in this respect it has played a crucial role in the inception and establishment of the International Criminal Court.

But we are not there yet. We should not underestimate the importance of this suspended judgment on the part of the international community. The belief that universal criminal justice is possible and feasible is taking hold, but it continues to face scepticism and disbelief. This disbelief is also reflected in some statements heard in the Security Council.

It is for that reason that the example offered by the Tribunal, to quote the report, "must be exemplary to the very end". That is why, without going into the detailed recommendations at this time, my delegation will actively participate in the work of the legal experts with a view to finding adequate solutions to the problems facing the Tribunal.

Mr. Duval (Canada): I would like to thank all of the judges of the International Criminal Tribunal for the former Yugoslavia (ICTY) for their report on the operation of the Tribunal, and thank especially President Claude Jorda for meeting with us today to discuss the recommendations set out in that report.

The work of the two Tribunals is extremely important to end impunity for those who have perpetrated the most heinous crimes. That is the mandate which the Security Council entrusted to these two institutions when they were created. It is therefore incumbent upon us — the members of the Security Council — to do all in our power to support the Tribunals, without politicizing their work and undermining the authority and legitimacy critical to the fulfilment of their mandates.

Canada categorically rejects claims that the work of the ICTY is biased or in contradiction with the mandate that the Council has entrusted to it. These are claims simply not substantiated by facts.

My delegation is committed to working constructively with all Council members to improve the effectiveness of the Tribunals. For the thousands of victims of the conflicts in the former Yugoslavia and Rwanda, the wheels of justice are turning too slowly. We must find ways to expedite the work of both Tribunals, recognizing, of course, the imperatives of impartiality and respect for the rights of the accused. Canada recognizes that international justice is expensive. However, we are appreciative of the implicit recognition in the reports that financial resources are not unlimited and that the Tribunals must therefore explore cost-effective options to achieve their mandates.

We also welcome and completely endorse the remarks of Judge Jorda as to the importance of the work of the Tribunal in the ongoing efforts to establish a permanent body, the International Criminal Court. That work is occurring here even as we speak.

With respect to the report of the ICTY introduced by Judge Jorda, it is an extremely useful start in our efforts to achieve the objective of more efficient international justice. As a preliminary reaction, Canada generally supports the contents of the report. In particular, we are interested in the two-pronged approach recommended by the judges: first, partially delegating certain pre-trial management tasks to senior legal officers, and secondly, creating a pool of *ad litem* judges.

The delegation of certain pre-trial tasks could indeed shorten the length of proceedings, and the designation of *ad litem* judges could allow more cases to be heard simultaneously. It is an important observation, we believe, that *ad litem* judges would need to be properly integrated into the system, and it would be valuable to include some former judges of the

Tribunals for Rwanda and Yugoslavia in that pool to ensure consistency with the jurisprudence and practice of the Tribunals.

These recommendations bear further examination. Canada would support the French proposal to establish a Security Council working group of experts to examine the contents of the report expeditiously and to develop recommendations for changes to the ICTY statute as appropriate.

In addition to the examination of this report by Security Council members, it is important to consult with others, including States that have made significant contributions to the operation of the Tribunal. Also, it will be important for the General Assembly to examine certain aspects of the report — for example, those recommendations that have financial implications.

I would like to conclude my statement this morning by asking two questions of Judge Jorda. First, could he provide us with more details of the judges' vision of how the pool of *ad litem* judges would work? And secondly, many of the recommendations in the report of the Expert Group would improve the efficiency of the ICTY. Can you, Judge Jorda, provide information on the steps already being taken by the different organs of the Tribunal to implement these recommendations?

Sir Jeremy Greenstock (United Kingdom): We very warmly welcome the presence of Judge Jorda here today. We have begun to study his report with great interest and regard his speech to us this morning as containing a good deal of extra material which we want to study and take careful account of.

The United Kingdom, as he and the whole court know, is very strongly committed to the work of both the Yugoslav and Rwandan courts. We regard them as effective and impartial, and we remain consistently eager to ensure that they are able to undertake their important task as efficiently as possible.

The success of the court so far is a tribute to the work of everybody involved in it, but of course that success has itself led to an increased workload of trials —what Judge Jorda has called this morning the management of quantity while preserving the quality of the court. It is very important to consolidate the Tribunal's achievements in the development of international humanitarian law, and their contribution towards the restoration of international peace and security more generally, by ensuring that indictees are brought to trial quickly. That applies both to prompt arrest and to surrender to the Tribunal, and, once in custody, to minimum delay in bringing cases to court.

We are very pleased that the Tribunals are taking these issues so seriously, and in particular that efforts are already being made by the judges to act on the recommendations of the Expert Group — for instance, by streamlining pre-trial procedures and expediting hearings. We look forward to seeing what difference in practice these improvements might make.

We welcome Judge Jorda's initiative in analysing the work of the Tribunal and the possible future demands on it. The proposals on how to manage that workload represent an important contribution. As Judge Jorda knows, the speed of trials has been an issue of concern to the United Kingdom for some time, and we appreciate the degree of flexibility that he has now built into the proposals.

The Judge has assessed, we think rightly, that certain options in the paper are not appropriate. The immediate Balkan region, for instance, is not yet a suitable site for trials because of reasons of political stability and safety. We are not in favour of setting up a second tribunal. The issue remains how best to make the Yugoslav Tribunal work effectively.

We are not yet in a position to offer substantive reaction to the recommendations, and will not be until the implications — especially the financial ones — are clearer. Further detailed discussion will then be necessary, in which the United Kingdom will participate actively. But we think that, in particular, as others have noted before me, two key elements of the proposals need to be looked at in detail.

The first is how, in practice, the increased use of senior legal officers in the pre-trial process would increase the efficiency and pace of the pre-trial phase. We would like to discuss in more detail the thinking behind that idea, as compared with a single judge's pre-trial responsibilities under the present system. The second is, if an increased number of judges is required, whether permanent or *ad litem* judges would be of most benefit to the Tribunal. We understand that the judges have considered both options, but we would want to look carefully at the advantages and disadvantages of opting for an *ad litem* system.

The United Kingdom is of the view that the option of an additional trial chamber deserves consideration, though the cost implications have to be studied.

The effect of these proposals on the other organs of the Tribunal, including the staffing implications, will need to be looked at in detail. One issue for the judges which is not covered in the report is the impact of increased efficiency at the pre-trial and trial stages of the Appeals Chamber. We note that the judges agreed with the recommendation of the Expert Group for two new judges to join the Appeals Chamber from the Rwanda Tribunal, and we would be grateful for Judge Jorda's views on whether further measures at the appeals level also need to be considered.

We are very grateful to have this discussion this morning under your leadership, Mr. President. We welcome Judge Jorda's presence here and look forward, as I said, to further detailed discussion.

Mr. Chowdhury (Bangladesh): We appreciate the comprehensive briefing by Judge Claude Jorda on the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY). We find his presentation very engaging and full of substantive elements which need the Council's close attention.

Bangladesh strongly believes that the ICTY, along with the Tribunal for Rwanda, have a historic responsibility to perform. Therefore every effort should be made to enable the two Tribunals to be credible and functional in the best possible way. We also believe that the performance of these Tribunals will have a serious implication for the proposed International Criminal Court.

We commend the improvements made in the work of the ICTY since it was established. We also note that work is under way to address areas where further improvement is needed. We agree with the view that the time is right to examine the future of the ICTY. The reform proposals presented by President Jorda and the recommendations of the Expert Group, constituted by the Secretary-General upon the request of the General Assembly in resolutions 53/212 and 53/213, are relevant and important in designing improved practices and procedures of the International Tribunals. The prospective plan, as presented by President Jorda on behalf of the entire bench of ICTY judges, has presented very focused reform proposals and recommendations. These, particularly the proposal for *ad litem* judges and the Appeals Chamber, should get a positive nod from this Council. The comments of the Secretary-General and the observations of the Prosecutor on the recommendations of the Expert Group are valuable additions. The Council will look into all these documents.

I would like, at this point, to highlight the following four aspects for consideration. First, we attach importance to the need to ensure justice without delay. President Jorda has presented this aspect most strikingly in his statement. The enormous magnitude of the task and the need for prompt and effective delivery of justice has necessitated that the Tribunal should have adequate capabilities. We should look favourably at recommendations 20 and 21, on the increase in the number of judges and legal assistance personnel. We would like to emphasize that resources should be commensurate with responsibilities.

Secondly, we support the recommendation of the Expert Group that the indictees having a major responsibility be brought to justice in the first place, rather than minor perpetrators. We are seriously concerned that some major political and military figures have remained at large. The Council should consider ways and means to secure their surrender or arrest for trial. The humanitarian laws will certainly be better protected if individuals in the higher chain of command are brought to justice.

Thirdly, the outreach programmes of the Tribunals to develop public information programmes in the former Yugoslavia and elsewhere throughout the world regarding the work and objectives should be strengthened. We agree with the Prosecutor that a most effective form of outreach would be the hearing of ICTY proceedings in the former Yugoslavia.

Fourthly, we need to firm up the process for taking our decisions on the ICTY reform proposals and on the recommendations of the Expert Group in the Council. In order to consider these, we would support the formation of an informal working group, which, within a stipulated time period of, for example, three months, would submit its recommendations for approval by the Council.

Finally, this meeting has afforded us an opportunity to discuss the future of the ICTY. We hope

that we will have similar occasions to discuss the Rwanda Tribunal in the near future.

Mr. Shen Guofang (China) (*spoke in Chinese*): I wish to thank Judge Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for his report and his briefing. The Chinese Government believes that the independence and impartiality of the ICTY, as an organ of international criminal justice, are extremely important. The Tribunal should not be affected by international politics and other factors; yet it has become a political tool. The authority of the ICTY can be ensured only through its independence and impartiality. Only in this way can the work of the ICTY withstand the test of history.

In this regard, there are many areas of the ICTY that need to be improved, which is one of the problems facing the ICTY. We hope that the ICTY will become a real, independent and impartial organ of international justice; it is not one now because it is affected too much by politics. Some representatives just gave examples that I will not repeat. I believe my criticism is constructive. I hope that the ICTY will work towards becoming more independent and impartial.

Of course, we know that the ICTY faces other problems, as was mentioned by Judge Jorda. It faces a lack of trial capacity, which seriously constrains the trial process. In order to ensure the rights of the accused to a speedy and fair trial, it is necessary to consider taking appropriate measures to speed up the trial process. We are very gratified by the assessment report submitted by the Expert Group appointed by the Secretary-General. This report provides a detailed analysis of the operations of the ICTY and the International Criminal Tribunal for Rwanda, and includes specific recommendations and measures that warrant our further serious consideration.

In his report and briefing, Judge Jorda made reference to the establishment of the pool of *ad litem* judges in order to address unforeseen trial needs. This is a very interesting idea that might be helpful in expediting the trial process. Adding *ad litem* judges requires amendments to the statute. It also involves many important legal and technical details and resources. The Security Council cannot make hasty decisions on this. Time is needed by all sides to further study the opinion of the Expert Group and the report submitted by President Jorda on behalf of the judges and the Tribunal in order to find a definitive solution, taking all factors into account. We are willing to consider any measure that will help the Tribunal administer justice and expedite the trial process.

In considering the option of adding *ad litem* judges, we believe that equitable geographic distribution and balance among the world's major legal systems should be considered. The proper way to select the *ad litem* judges is by election by the General Assembly. As for the cost of *ad litem* judges, various options should be seriously considered on the basis of the opinion of the Expert Group. Furthermore, there should be equal opportunity in selecting *ad litem* judges to participate in trial work.

As for the streamlining of the pre-trial process, we have noted that the Tribunal has been carrying out appropriate amendments and adjustments to its Rules of Procedure and Evidence, in accordance with the opinion of the Expert Group.

However, in carrying out any amendment, the Tribunal should strictly abide by its statute and the resolutions of the Security Council. As for the pre-trial stages, practical administrative work can be handled by the Trial Chambers' senior legal officers, under strict and clear mandate, while the Trial Chambers closely monitor them in this regard. Efficiency should not be achieved at the expense of the strict conduct of the trial procedure and the fairness of the trial.

In conclusion, please allow me to express my thanks again to Judge Jorda, the President of the International Criminal Tribunal for the Former Yugoslavia, for his work.

Mr. Yel'chenko (Ukraine): I would like to welcome Judge Jorda, the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), to the Council and to thank him for his comprehensive briefing. We found his comments very interesting and useful, as are the proposals contained in the report on possible ways and means of improving the operation of the Tribunal and streamlining its working procedures.

Previous discussions in the Council on the work of the ICTY, including the most recent briefing of the Tribunal's Prosecutor, undoubtedly underscored the important role the ICTY plays in meting out justice and

healing the wounds caused by the human tragedy that shook the former Yugoslavia and continues there. No less important is the Tribunal's role in the process of reconciliation and restoring peace in the region. It is therefore imperative for that judicial institution to maintain the highest standards of impartiality and to remain free of any political considerations in its activities, although, as we can see, that is most difficult to achieve. It is from this perspective that any proposed measures to expedite and rationalize its proceedings should be looked at in the first instance.

We recognize the huge workload facing the Tribunal. Of course, the need for changes is obvious. Based on the perspective that the Tribunal will complete its task by the year 2016, I should simply like to ask a rhetorical question: Could one have imagined that the Nuremberg tribunal would end its work in 1968, 23 years after its creation?

The questions raised in the report are rather complex and, apart from the proposals to introduce a new category of *ad litem* judges and to delegate a large part of pre-trial work to senior legal officers, include such issues as the long-term plan of the Tribunal's activities, the length of its mandate and its future relations with the International Criminal Court. My delegation welcomes this forward-looking analysis undertaken by the Tribunal and supports a thorough, action-oriented examination of all these issues by the Security Council in an appropriate agreed format. The potential financial implications should, of course, be examined too.

While looking forward to that review, I would like to indicate one issue of concern to my delegation: the absence of judges from Eastern Europe in the Tribunal. While this question, as of now, remains in the hands of the General Assembly, we think that this situation should be addressed. Can anyone imagine the Rwanda Tribunal without African judges? The non-election of the only Eastern European candidate to the ICTY last year was indeed disappointing. A wide representation of judges from all regional groups in the Tribunal, as in the case of practically all United Nations organs, including the International Criminal Tribunal for Rwanda — is important for the effectiveness and credibility of that body. We believe that this issue should be taken into account when considering the proposed changes in the Tribunal's statute.

Another important aspect that is worth mentioning in the context of the report before us is that, when considering ways to improve the operation of ICTY, the Security Council should in no way create the impression that the similar problems now facing the International Tribunal for Rwanda are less important or pressing. I think that the changes contemplated for ICTY would be difficult to approve without adopting the same approach to the problem of the workload of the Rwanda Tribunal, and these two issues should be considered in conjunction.

Finally, I would like to mention yet another matter that we consider to be an important part of the effective operation of the Tribunal, which is the need for a wider dissemination of information regarding the activities of the Tribunal and its role in establishing the rule of law and promoting reconciliation in the Balkans. We welcome the launch last fall of an outreach programme with a focus on countries of the former Yugoslavia. At the same time, we would like to encourage the Tribunal to broaden the activities of that programme to other countries of the region and to make it more public-oriented.

Mr. Listre (Argentina) (*spoke in Spanish*): Through you, Sir, I should like to thank the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), Judge Claude Jorda. His briefing reveals the challenges that must be met in order to improve the Tribunal's functioning.

When the International Criminal Tribunal for the Former Yugoslavia was established, international experience in that field was rather scant. The lack of precedents required its institutions, rules and practices to adopt innovative solutions relating to the customary procedures of international courts.

While the novelty of the establishment of the Tribunal made it necessary to amend rules of procedure and evidence on various occasions, we believe that the Tribunal is doing excellent work that has made it a vanguard institution and a very valuable benchmark for the international community. Its wealth of experience has been put to good use by the International Criminal Court. Those who have worked to secure the prestige that the Tribunal enjoys today — in essence, the judges — deserve our highest recognition.

We have considered the report of the Expert Group in document A/54/634, submitted to the Security Council by the Secretary-General on 15 June. We have also considered document A/54/850, which contains the opinions of the Tribunals for Rwanda and Yugoslavia on the 46 recommendations made by the Expert Group, as well as last month's report of the President of the International Criminal Tribunal for the Former Yugoslavia.

These documents closely analyse the experience of the International Criminal Tribunal for the Former Yugoslavia over the course of more than five years of work and make specific recommendations. They demonstrate the various challenges that the Tribunal is confronting, arising, *inter alia*, from the workload and the shortfall in human resources and time required for trial preparation and the prosecution of indictees, resulting in lengthy periods of detention without trial.

It is our understanding that the analysis in such documents must be carefully considered by the Security Council. We support the idea put forward by the President of the Council that a group of experts be established to assess the various recommendations and to make a proposal. We agree that the broadest and most transparent dissemination of information must be ensured in the process so that all States Members of the United Nations, which will be financing the measures, may be familiar with its development.

The report submitted by President Jorda last May assesses the various options and makes the choices that the judges consider to be most appropriate. These basically consist in appointing a pool of 12 *ad litem* judges, delegating certain competencies to senior officers of the Trial Chambers during the pre-trial period and adding two judges to those of the Appeals Chamber, who would come from the Rwanda Tribunal.

My delegation can concur with those recommendations, but wishes briefly to mention a few points. We think that, despite the great merit of the recommendations made by the judges of the International Criminal Tribunal for the Former Yugoslavia, a Security Council group of experts should assess all proposals that have been made, rejecting none of them out of hand.

We consider that the appointment of *ad litem* judges in addition to the permanent judges is a very good option; because of its flexibility, it is used in many national systems. But if it is decided to appoint *ad litem* judges, we consider that guarantees regarding a trial defence and being tried before the competent judge suggest that these should be chosen by election rather than by appointment by the Secretary-General, especially as these would not be substitutes, but true judges with full judicial powers. If such a decision is taken, we should also review the limitations on their powers set out in the proposed article 13 ter of the statute.

Mr. Jerandi (Tunisia) (*spoke in French*): I wish first to thank the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Claude Jorda, for his clear briefing and for the useful information he provided to members of the Security Council on the important subject of the International Criminal Tribunal for the Former Yugoslavia.

We have carefully examined the report and the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. We have also taken note of the proposals offered by the judges of the ICTY, which relate to the situation and the future prospects of the Tribunal. We have some preliminary comments in that connection.

We consider that the practical problems and difficulties described so clearly by the Expert Group and by the members of the Tribunal deserve consideration. Procedural constraints and difficulties relating to reducing the duration of trials are acute questions. We consider that the judges' plan to improve the functioning of the Tribunal should be studied in depth by the competent bodies. Here, we support the French proposal to establish an informal Security Council working group which would receive contributions by States Members of the United Nations in the context of a discussion of ways to enhance the effectiveness of the International Tribunal.

Let me stress the link between justice and reconciliation. Members will agree that this is of great importance for the future of the Balkans region and for peaceful coexistence among all communities.

Mr. Hasmy (Malaysia): My delegation too would like to thank you, Mr. President, for scheduling this meeting of the Security Council to hear a briefing by Judge Claude Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

We welcome the presence of Judge Jorda in the Council Chamber, and we thank him for his comprehensive and enlightening briefing on the work of the Tribunal and, particularly, on the various proposals relating to the future operation of the Tribunal.

We agree that it is timely for the Council to take stock of the work of the Tribunal, and are therefore grateful for the in-depth analysis of the work of the Tribunal presented to the Council; I am confident that it will facilitate the Council's arriving at appropriate decisions on the various proposals and recommendations presented to it.

While we are gratified that the Tribunal has now become a fully operational international criminal court, we are nevertheless concerned at the long delays faced by the Tribunal. We therefore welcome this in-depth consideration of the work of the Tribunal, and look forward to participating actively in the Council's decision-making process on this issue. We appreciate the extensive nature of the proposals, which are all intended to ensure the effective functioning of the Tribunal. We are particularly grateful for the pros-and-cons analysis to which each proposal is subjected, which clearly will help Council members to make the right decisions.

Clearly, because of their many implications, the proposals will have to be closely examined by Council members. We welcome your proposal, Mr. President, that a Security Council expert group be set up to assist Council members in their consideration of the solutions recommended in part III of the report submitted by Judge Jorda. With respect to the consideration of those recommendations, my delegation is in favour of a simplified and pragmatic approach that will lead to expediting the trial process but that will not sacrifice, or compromise on, its quality. We are prepared to support any approach that will ensure that justice is done.

The meting out of justice to persons who have been indicted for war crimes, genocide and other crimes against humanity is vitally important for the international community, not just for the sake of affirming our common humanity and civilizational values, but also because of the pragmatic political need to correct past wrongs through the legal process, thereby contributing concretely to the healing and reconciliation process. This is particularly imperative in respect of the Balkan region, whose peoples were traumatized by the upheavals of the recent past in the wake of the genocidal policies of the Belgrade regime.

Notwithstanding those heinous policies and crimes, the Tribunal must be commended for the high professionalism of its conduct and for the fact that persons are indicted and put on trial as individuals, not as nationals of a particular State. We are confident that the Tribunal and all of its officers will continue to be guided by the principle of strict impartiality. It should not be unduly perturbed by unfair and unjustified criticisms levelled against it. The reason why many of the indictees come from a particular ethnic group is obvious to anyone who has followed developments in the Balkans; it is no mystery.

My delegation will not pronounce itself on the various proposals at this stage. Suffice it to say that we find that many of them have a lot of merit and that they deserve the serious attention and consideration of the Council. We are particularly attracted to the proposals relating to *ad litem* judges, to the creation of an additional trial chamber and to partially delegated pre-trial management. We will look at them in the context of all their implications, particularly the legal and financial implications. We will be constructive in our approach.

Mr. Andjaba (Namibia): We too are grateful to Judge Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), for his useful briefing and for the report on the Tribunal. That report contains specific proposals and measures to improve the operation of the Tribunal. I would like also to thank the entire bench of judges of the ICTY for the service they continue to render to the international community, the service which is especially valued and cherished by the children of the region who lost their brothers and sisters, their mothers and fathers during the war in the former Yugoslavia.

Indeed, the report meticulously provides us with a comprehensive review of the work of the ICTY in terms of what has been done, what needs to be done and how to go about doing it.

It is useful, therefore, to indicate that my delegation is studying the report with keen interest, not only as it relates to the former Yugoslavia but also because of the resonance it has on the International Criminal Tribunal on Rwanda (ICTR).

On balance, we wish to express our appreciation that the Tribunal has demonstrated its determination to take aboard the recommendations by the Group of Experts. We do believe that in spite of the problems borne in the application of new institutions, both Tribunals have passed the test of time as viable instruments for dispensing justice in exemplary fashion.

In this context, Namibia hopes that the Hague and Arusha processes will stand out as exemplary mechanisms from which sufficient lessons can be drawn for the future International Criminal Court.

Having said that, let me pose the following questions. The first one concerns the ICTR. We understand that the report on the Tribunal is in the pipeline, but, all things being equal, what are the similarities and complementarities, if any, between the two Tribunals? The second question is predicated on the assumption that you, Mr. President, operate in the realm of political affairs; and if that is true, which I believe it is, how do you handle political pressure from Member States and people like me? How do you ensure the independence and the impartiality of the Tribunal? Thirdly and lastly, in your personal opinion, will these mechanisms bail us out on the future of the International Criminal Court?

Finally, Mr. President, we look forward to the report of the ICTR. My delegation expresses its readiness to work with the other members of the Council, as well as the entire United Nations membership, in an informal working group to study the recommendations and proposals of the judges with regard to improving the working methods and practices of both Tribunals.

The President (*spoke in French*): I thank the Permanent Representative of Namibia for the questions he asked.

Speaking in my national capacity, allow me to say, Mr. President, how delighted we are to welcome you here during the French presidency of the Security Council. You preside over a Tribunal that certainly deserves praise rather than criticism.

The month of June is marked in many ways by the theme of international justice. We know that the preparatory commission for the International Criminal Court is to adopt some important texts before 30 June, including the Court's rules of procedure. As far as France is concerned, on 9 June it was my honour to deposit France's instrument of ratification to the Rome Statute. The Security Council held its first public meeting of the month of 2 June to hear the Prosecutor of the two International Tribunals, Mrs. Carla del Ponte. Furthermore, in recent days the Council has received several proposals to strengthen the capacity of the two International Tribunals to do their jobs. These were proposals prepared by the judges of the International Criminal Tribunal for the Former Yugoslavia (ICTY) that you have explained to us, Mr. President. We have also received proposals prepared by the judges of the International Criminal Tribunal for Rwanda (ICTR). Lastly, the Secretary-General has also given us an important report of the Group of Experts to evaluate the effectiveness of the activities and the operation of the two International Tribunals, requested by the General Assembly, as well as comments on it made by the Tribunals.

This, indeed, is a wealth of material for our discussions. The delegation of France is determined to contribute to a rigorous examination of all of these ideas and recommendations. This is why we have suggested to Council members that an informal working group be established to carry out this examination and submit its conclusions to the Council in the near future. We are confident that this group will be able to get to work very soon.

For now, I wish to describe to you the spirit in which the French delegation tackles this debate. When it established the International Tribunals, the Security Council demonstrated its conviction that it was possible to reconcile the needs of independent justice with the needs of a penal policy reflective of the parameters of peace, democracy and international reconciliation. In order to merge these needs, it is essential constantly to work towards greater effectiveness in the procedures of the Tribunals.

The time-frame of international justice cannot be compared to that of domestic judicial systems. Delays and prolonged procedures which are accepted at the domestic level do more harm to international trials. We already know that public opinion and the States concerned in the former Yugoslavia, as in Rwanda, have sometimes challenged the legitimacy of the international Tribunals. The impact of their work for States, for the public and for the victims depends largely on the speed of the procedures.

We have no illusions here. The question of how long it takes for justice to be done is not merely a question of legal technique. It is truly a political issue. If justice is delayed, peace is also delayed. How can we hope for a speedy return to peace in the regions concerned if the procedures of the International Tribunals drag on for 15 years or more? To find an answer to this question, several areas deserve our attention, and I merely wish to mention three of them.

First is the number of judges. This number was already increased through the creation of a third chamber for each of the two Tribunals two years ago. We know that this number cannot be increased indefinitely. By way of comparison, we must be mindful of the fact that there will be only 18 judges in the International Criminal Court, whereas for the ICTY there are 14 judges, who have a limited area of geographical competence. There are nine judges for the Rwanda Tribunal.

The creation of *ad litem* judges, proposed by the judges of the ICTY, is one avenue that should be explored. It does give rise to some questions relating to the status of these judges, their number and the method of electing them. We are prepared to discuss these questions in an open spirit.

The judges for the ICTR believe that expanding the staff in the Appeals Chamber should be a priority. This is where the main bottlenecks seem to lie. The proposal that you supported seeks to create two additional posts for judges within the ICTR in order to replace those that will be required to serve in the single Appeals Chamber of the two Tribunals. This solution would have the advantage of being easily quantifiable, and it would mean that the two Tribunals would enjoy equal status.

The second area that we deem to be important relates to the powers of the judges and to the strengthening of the pre-trial phase. It is important that judges have the necessary authority to conduct the debates, and the experts put forward by the Secretary-General have stressed this very point. They recommend better oversight by judges of procedures, in particular an expansion of the functions of pre-trial judges. This idea, we believe, deserves consideration.

I would recall, by the way, that the Statute of the International Criminal Court grants important prerogatives to judges, both during the pre-trial phase and during the actual trial. That Statute also creates a pre-trial Chamber which is an outstanding example synthesis of legal traditions. The negotiators h clearly tried to remedy the main procedural defect the International Tribunals. This reflects the way Rules of Procedure and Evidence have evolved in two Tribunals, and these have been repeatedly amen to give the judges better oversight over trials and prevent these from lasting too long.

The third area relates to participation by victims. The Statutes of the Tribunals contain articles on the protection of victims and on the re of their property. The Statute of the Internatio Criminal Court, on the other hand, contains spec provisions that give victims the right to participat the proceedings, set up a system for the protectio threatened or traumatized witnesses, and, above create machinery to compensate them. Victims transmit information to the Prosecutor in order to o proceedings, and also are entitled to be informed how a trial is going and to speak in an autonom capacity during a trial.

It is probably not possible to guarantee per conformity between the provisions of the Internatio Criminal Court on victims, which are very developed, and the Statutes of the Tribunals. Prosecutor of the Tribunals has, however, drawn attention to this subject, and we must revisit it.

In conclusion, we must bear in mind the fact States have the primary responsibility for combat the most serious crimes. Our objective is not to dep States, even those that are just emerging fro conflict, of the possibility of doing the work of jus and recollection which is necessary for natio reconciliation. Here I am thinking of Cambodia perhaps also of Sierra Leone.

The Security Council took a decision to create hoc courts in cases where the States concerned w either unable or unwilling to prosecute criminals. have the responsibility to help guarantee the effec functioning of this international system of justice we have created. We must also keep in mind the ide the reform and strengthening of national judi systems, which one day will have to take over.

Finally, we must never consider that the existe of the International Criminal Tribunals makes possible for the Security Council to abdicate primary responsibilities for the maintenance of pe Criminal justice is a powerful instrument for

punishment and the prevention of atrocities. But it is up to us primarily, right here in this very Chamber, to promote political solutions to current conflicts, which increasingly are complex ones whose internal aspects are dominant. Justice is a necessary dimension, but it is only one dimension of the complex comprehensive settlements that we need to work out.

I now resume my functions as President of the Security Council.

I call on Judge Jorda to respond to the many comments made and questions raised.

Mr. Jorda (*spoke in French*): Let me for a brief moment speak to you directly, Sir — not in your capacity as President — to express my satisfaction at hearing France conclude this very rich exchange of views by stating that it is here that political issues are settled, not in The Hague or in Arusha.

I shall nonetheless attempt to respond to those questions relating to criminal policy, because the representative of the Russian Federation touched upon them, as did, more indirectly, the representative of China and, in a more general manner, other speakers.

Secondly, I shall group together a number of comments. I apologize beforehand to speakers who had wished to enrich this debate — to which I have attempted to contribute the comments of my colleagues — in case I am not able to respond to all of their comments.

Thirdly, let me comment on the establishment of a working group, which I think has been agreed to unanimously around the table. Although, of course, I do not have to express a view, because it is not my place to do so, let me say that personally I believe it can only work to our advantage. The reason is that many aspects of the proposals, as representatives have indicated, definitely require deeper reflection. You, Mr. President, mentioned several of these aspects with respect to the concrete proposals I had the honour to put forward.

I do not wish to take up too much time, but, having made those three preliminary comments, let me attempt to cluster my responses concerning the political issue, which I think was raised by several delegations, in particular by the representative of Russia. I should like perhaps to offer certain clarifications regarding the *ad litem* judges and the pre-trial proceedings. This may seem to be a more technical issue, but it does require clarifications beyond those that the Council's working group is to provide. I think also that the recommendations submitted by the Expert Group to the Council require a certain amount of clarification — and here I am thinking of the statement made by the representative of Canada. I shall spare the Council the list of 46 recommendations, but I will provide an overview.

I think that there is a fourth issue that includes Rwanda and the Appeals Chamber, which was of interest to several delegations. Finally, concerning the working group, perhaps I could ask the Council one or two questions, if the President does not deem it too impertinent.

The political issue has come up again and again since the establishment of the Tribunal, when it was said that it was a political tool. Consider the nature of an international tribunal that theoretically is established by a political body. However, the issue of this Tribunal's having been set up by a political body has been put to rest by its decisions, in particular - and here I would recall what was mentioned by the Ambassador of Russia - with respect to the Tadic affair.

I think that it can be acknowledged around this table that there are two bodies in the Tribunal that work independently. There is the Prosecutor, who is independent, organizes his own work and, above all, has an opportunity to prosecute. As I understand it, prosecutors in all countries have the opportunity to prosecute. I even have the impression that this is currently the case in Russia.

Then the impartiality of judges, I think, is something that should not be called into question because — let me recall it here — the numerous indictments made by the Tribunal on political questions also go through a judge. I will refer later to sealed indictments.

In order to give the Council a more specific answer — and without interfering with the policy that Ms. Del Ponte described to the Council — I would simply say that it is true that figures speak eloquently. It is also true that of the 68 current indictments, 45 are of persons of Serb origin. But I would also like to say to the representatives who touched on this question that it has never been written anywhere into the rules of procedure nor into the statute that the atrocities were committed in equal proportion throughout the territories in which they occurred. Nor was the number

of accused persons ever to be automatically the same in the three groups.

But I would especially like to point out something that serves as a response to a question asked of Ms. Del Ponte by the Council, namely, the problem of the North Atlantic Treaty Organization (NATO) vis-à-vis a report she herself made public a few days ago, specifically on 13 June. I would say that prosecution is one thing — and I was a prosecutor for a very long time during my career — but it is evidence that guides prosecution. A prosecutor cannot undertake a prosecution unless he has evidence. But in an international jurisdiction evidence is not made available by national investigators, police or police inspectors. It is provided through the cooperation of States. In this connection, we must note that the countries that complain the most about the partiality of the Tribunal — and I am thinking especially of the Federal Republic of Yugoslavia — are the weakest when it comes to cooperation.

For example, I can tell the Council that of the current 28 fugitives, 27 are of Serb origin. Moreover, of the 27 of Serb origin, 22 were accused without sealed indictments. I will refer later to the issue of sealed indictments. If 22 Serbs were not indicted under sealed indictment, then that demonstrates that the International Criminal Tribunal at some point had to deal with serious matters relating to coercion and the carrying out its decisions. I would emphasize that nothing in the statute or the regulations prohibits the use of sealed indictments, provided they are, like other indictments, confirmed by a judge. In other words, the Prosecutor must not only initiate the giving of evidence that would lead a judge to agree to an indictment — and that applies to all indictments — but he must, above all, show that it is useful to keep the indictment secret. I do not wish to go further into details because there are other questions to be addressed.

Let me touch upon the issue of *ad litem* judges and their status from the perspective of the conditions of their service and their costs. These questions have been raised. With regard to costs and the status of the judges, this is something that is obviously within the domain of the working group that the Council will set up. Moreover, the Council itself, and we judges, have tried to move forward the thinking process on this issue. In this regard, someone — I do not remember who — said that the judges were not unanimous. That is not true. The judges are unanimous on the principle of using *ad litem* judges. In fact, as the Council has seen from the document that has been distributed to it, in the course of a whole day of meetings almost half of the judges agreed on some very important points.

I think the working group will be addressing many of those points, including the matter of elections or nominations and the drawbacks and advantages of the two methods. Appointment is faster. I would also point out that it is also legitimate. It exists in other international jurisdictions, where ad hoc judges are appointed. It even exists in the Criminal Tribunal for the Former Yugoslavia itself. When a judge dies or stands down he is replaced through appointment by the Secretary-General, upon the advice of the Presidents of the General Assembly and the Security Council. This has occurred at least five times since 1993 including, I must say, in my own case.

The question of costs will also be a subject under the purview of the working group. We did not want to go into a very detailed cost analysis. But we nevertheless thought that the matter of cost depends on the number of *ad litem* judges that are employed, which would also depend upon the formula chosen. In this regard, the opinion of judges is divided. I will point out that a slight majority — and, at any rate, thinking on this is evolving at The Hague — felt there should be a mix of permanent judges and *ad litem* judges. I mention this so that it may add to the Council's examination of the issue. In other words, when a three-judge Chamber has concluded with its work, it can then break up and then one or two permanent judges could be paired with an *ad litem* judge to respond together to questions related to the training of the *ad litem* judges and their ability to deal with the various very specific areas of international humanitarian law and jurisprudence that may come up. I think that in this way training would occur in a very natural way, perhaps even better than in the past.

But we also do not hide the fact that whenever new judges are appointed or elected, those judges arrive at a court that is in the midst of activity; nor that new judges are obliged to become engaged immediately in trials. I am thinking in particular of the three latest judges, who joined the Tribunal in 1997. They did not have the luck — or the bad luck — that I had in the same situation in 1993, of arriving in a court where there were, as I mentioned earlier, no accused persons, a situation which is currently completely different.

The question of preparations for hearing — a problem that I believe the representatives of France and the United Kingdom have both touched upon — is one that makes it possible for me to express our thoughts. As the statute sets out in article 65 and others, preparations for hearing at the International Criminal Tribunal have nothing to do with the pre-trial chamber and do not deprive the judge of any of his jurisdictional functions. As a jurist I salute the establishment of a pre-trial chamber in the future permanent court, but especially for the efficiency it will bring to that court. If I recall correctly, the pre-trial Chamber will have numerous jurisdictional powers. In particular, it will be able to exercise control over indictments and make decisions on rules, petitions, inquiries and so on. For those who have practised law in countries on the continent, the pre-trial Chamber established in the Rome Statute is a jurisdictional chamber similar to an indicting chamber. The same is not the case in preparations for hearing.

Preparations for hearing are a judicial and administrative mechanism aimed at speeding up trials. I will even go so far as to say that I believe that the future Court will need to put in place a pre-trial mechanism. Trial preparation activities focus directly on preparing cases.

I would like to point out that our Rules of Evidence and Procedure currently give trial preparation judges certain jurisdictional powers but place them under the control of the chamber to which he belongs. Those powers have never been, and will never, be delegated to the judges. One could ask, what use is that? Well, it is useful in many ways because, as things stand now, a chamber is assigned about four cases. Currently, Chambers 1, 2 and 3 of the Tribunal have four cases each. There are now four trials under way at The Hague. But each Chamber also has three other cases, so I would say that trial preparation activities are carried out every day. The parties must be convened every day. Motions have to be reviewed every day. Attempts must be made daily to reach agreement and to determine who the witnesses are that the parties plan to call. This is the kind of work that I refer to as human costs, and that kind of work means that the trial preparation judge, who would be a trained professional having from 15 to 20 years of professional experience, would be a contribution to the Chamber in the form of support to the judge in carrying out trial preparation activities. We do not wish to take away any jurisdictional powers, to the extent that whenever a dispute or contentious point arises, a trial preparation judge must report them to his chamber.

I think that the Council's working group will work on this question, but it seems to me that there is really no danger, and there will be even less danger once this question has been dealt with. I remind members that we are a Tribunal most of whose current members are from common law systems. I can tell the Council that this matter has been taken up. This trial preparation phase was conceived before 1998 and institutionalized in 1998, and it has just been improved following the recommendations of the Expert Group; the judges all agree and recognize that the preparatory phase must be suitably carried out if a trial is to be carefully studied and based on the real legal and factual aspects of the case.

I would like to refer to the Expert Group. I do not wish to go into excessive detail, but let me say that the Expert Group concluded its work in the period of November-December 1999. It took a long time to have it translated into the various languages. On 30 March I signed a response, on behalf of my colleagues, relating to the recommendations of the Expert Group. In response to the speaker who said that there should be another expert group — there is the informal working group established by the President — but I do not think that a new expert group needs to be established. The Expert Group, mandated by a General Assembly resolution of 18 December 1998, analysed the Tribunal, the entire range of its operations. To our great satisfaction, the Expert Group did not have any major criticism of our institution.

In response to the representative of Canada, there are 46 recommendations stemming from the Expert Group's work. Of those 46 recommendations, I can state — and provide the proof if there is enough time — that all those relating to expediting trials were anticipated by the Tribunal. They were even acknowledged by the Expert Group as being judicious. They were all immediately implemented. The main ones are those relating to the contamination of judges, which is a very complex matter when there are only 14 judges, or really 9, since 5 are in the Appeals Chamber. But a recommendation was made, and we immediately put that into our Rules of Procedure and Evidence. We have recast the trial preparation procedure. We have also reduced the number of excessive petitions, and

most judges of the Tribunal are trying to cut back oral petitions.

I do not wish to take up too much time, but to the Ambassador of Canada I will say that I am prepared to write a letter to give clarification on the number of provisions. One or two were not acknowledged by the Tribunal judges, those that are excessively authoritative or peremptory provisions — the Deputy Registrar will correct me if I am wrong — on remuneration of the defence counsel. It is a very delicate matter. The Expert Group faces a considerable problem, which is that the overall system does not lead to expeditiousness, but to slowness. When positions are polarized, the parties do not think about the cost that this represents in terms of investigative resources for the prosecution or for the defence. It is a very delicate issue. The Expert Group has made a proposal, and we have submitted it to the standing committee on amendments to the Rules of Procedure and Evidence. I will not conceal the fact that opinions are divided to such an extent that I have decided to put this matter on the agenda of our next plenary meeting, on 13 and 14 July.

I wish to address the next-to-last point, which is Rwanda and the Appeals Chamber. I have not talked about Rwanda. I am not the President of the Rwanda Tribunal. I do not think the President of that Tribunal would have been happy had I done so. But we did take up the Rwanda question in a way that concerns me very directly, as President of the Appeals Chamber. It is true that we met in plenary meeting, since we form part of the Rwanda Chamber. Ambassador Scheffers will remember that in February we convened a plenary meeting of the judges of Rwanda and The Hague with the five judges of the Appeals Chamber. We felt unanimously that the proposal of the Expert Group that two more judges should be added to the Chamber would be the best remedy, or one of the best remedies, to deal with the considerable caseload. I will give an idea of the considerable caseload. The Rwanda Appeals Chamber has 15 or 16 interlocutory appeals and 6 substantive appeals relating to very highly placed leaders in the country. The ICTY has fewer interlocutory appeals, because we have a better system of selecting appeals, but there are 6 or 7 substantive appeals. Obviously, the caseload is very heavy, since they are the same five judges.

There are many problems in the Appeals Chamber, relating to the number of cases and more important matters that the recommendations of the Expert Group could help us resolve. It is a problem of stabilizing the so-called Appeals Chamber. Our Appeals Chamber is not stable as far as its composition is concerned. It is not worthy — and I say this publicly — of a great international system of justice. Please be assured that this is not intentional. We have a problem of contamination in cases related to historical and political matters. Justice and politics eventually merge. Unless all those accused of a given act are arrested at the same time, the trials begin one after the other, and after a time, since they are dealing with the same context and the same criminal area, the judges have to recuse themselves or are called upon by the parties to recuse themselves. So there is an increasing number of judges who are contaminated. This is a considerable problem for the Appeals Chamber.

I will give another example. I am the President of the Appeals Chamber. After I was elected on 16 November, I was almost immediately contaminated vis-à-vis all the ICTY cases because I had participated in those cases at different levels. I had to ask another judge to be the fifth judge in the Appeals Chamber.

The problem is the normative role of the Appeals Chamber. If we are to expedite procedure, we must have jurisprudence available in the Appeals Chamber — for example on the idea of internal or international armed conflict. Something of this sort should be carefully defined by the Appeals Chamber. But the changing composition of the Chamber — not to mention our Tribunal's legibility, which, I agree, is not very good — means it cannot always agree on its normative role. That is why we think the proposal of the Expert Group is a judicious one. We also find it judicious from another point of view: how, at the dawn of the third millennium, can we say that the Rwanda Tribunal cannot participate, in one way or another, in appeals as long as the judges are not contaminated? Therefore, I think the proposal for two additional judges is a reasonable one.

Regarding whether *ad litem* judges should be used, there is flexibility in that solution. If the principle of *ad litem* judges is included in the statute, then the principle may have to be followed even in the Appeals Chamber. But I do not think so, because if *ad litem* judges make a meaningful contribution, if the mandate of the Tribunal concludes in 2007, then I think the current 14 judges would be able to finish the cases before them without reinforcements.

I am not sure if I have answered everyone. I am sorry if I have spoken at length.

Let me conclude on the working group. I support the Tribunal in that initiative, which I think would be the most productive one. We need the Council. I think the Council knows that. It established the Tribunal. We have become increasingly clear, legible. I say this for those who may have made critical remarks about our Tribunal.

Let me digress here. Those who criticize the Tribunal should come to The Hague and hear the cries of the victims who are turning to us. They should go to the universities to study how the immense body of jurisprudence that we have developed at the Tribunals in The Hague and Arusha has opened up an entire scientific universe of progress in the evolution of international humanitarian law. I had yet another demonstration of this yesterday morning when I spoke before the preparatory committee for the rules of procedure.

Yes, we do need the Security Council. I am not asking merely for more and more money. That is not what I am saying. What I am saying is that we could perhaps use some additional funds, but on the condition that they be included in a forward-looking plan. We cannot implement never-ending reform. It is easy for judges to ask for an additional Chamber, as we did in 1997, but of course we had reasons then to act that way. Today, however, I cannot come to the Security Council for an additional Chamber without offering some forward-looking context for these three additional judges, only to return two years hence to say that it is not enough and that we want yet another Chamber. That is not my vision of my role as President. I believe that the work of the Security Council's informal group should be forward-looking; that, I believe, is how progress can be made.

In conclusion, let me make two points. As to the timetable, I believe that it should be quite tight, because any change in the statute takes time. Members of the Council know that better than I do. Moreover, these amendments must be coordinated with the budgetary schedule, which is very heavy. There must be a degree of harmonization in that regard. Let me recall that there is another factor that will have an impact, but that should prompt us to get down to work quickly: 2001 is an election year for judges. Judges involved in a trial who are not re-elected by the General Assembly or who wish to stand down and leave the Tribunal must conclude their trials. That is what happened in 1997. That must be taken into account when costs are being assessed.

That is why I wish to offer this modest bit of information. I believe that the idea of the *ad litem* judges is that they would get involved before the election of judges in 2001, whose terms of office will come to an end in November. I wonder whether I shall have to come to ask the Security Council, as I did in 1997, to anticipate those elections. Why? The Chambers are working full time. In February, Chamber I, for instance, will have concluded two trials and started a third. Those judges will have to remain at the expense, worthy as it is, of the Tribunal. That is why I would say that the timetable of several months which the Council is setting for itself to consider and, I hope, validate our proposals is a good thing.

Lastly, I would like to risk saying that we should be very grateful if the Security Council were to consult us on technical matters as it progresses in its work. The history of the Tribunal has frequently been marked by texts or decisions, the consequences of which have not always been carefully considered by the various parties.

I apologize to some speakers for not having responded to their questions. I wish to thank all those who have offered their unreserved support not to me, but to the Tribunal. I shall convey it to my colleagues. I emphasize that I am very much alive to all the constructive criticism that has been expressed in this very beautiful and prestigious Chamber.

The President (*spoke in French*): I thank Judge Jorda for giving us specific, well-reasoned and enthusiastic answers to the various questions that have been asked of him. We have taken good note of his suggestion concerning the pace of work of the working group that will now certainly be established by the Security Council. We have also taken due note of his suggestion that the informal working group keep in contact with his Tribunal. As Judge Jorda suggested, I am sure that we will have the honour and pleasure of welcoming him back here once again. I certainly hope so.

There are no speakers remaining on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The

Security Council will, of course, remain seized of the matter.

The meeting rose at 1.30 p.m.

United Nations S/PV.4162

Security Council

Fifty-fifth year

Provisional

4162nd meeting

Wednesday, 21 June 2000, 10.15 a.m.

New York

President:	Mr. Levitte	(France)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Vámos-Goldman
	China	Mr. Wang Yingfan
	Jamaica	Mr. Ward
	Malaysia	Mr. Hasmy
	Mali	Mr. Kasse
	Namibia	Mr. Gurirab
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

The situation in Bosnia and Herzegozina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2000/529)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-49179 (E)

The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2000/529)

The President *(spoke in French)*: I should like to inform the Council that I have received letters from the representatives of Germany and Italy, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedures.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kastrup (Germany) and Mr. Talò (Italy) took the seats reserved for them at the side of the Council Chamber.

The President *(spoke in French)*: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina, document S/2000/529.

Members of the Council also have before them document S/2000/591, which contains the text of a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to document S/2000/586, letter dated 14 June 2000 from Portugal, transmitting the text of the declaration of the Ministerial meeting of the Peace Implementation Conference, held in Brussels on 23 and 24 May 2000.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I will first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Lavrov (Russian Federation) *(spoke in Russian)*: The Russian Federation is one of the main participants in the Bosnian settlement. It deems it important that the peace process in Bosnia and Herzegovina be further developed on the basis of the scrupulous implementation of the Dayton Peace Agreement. This should be the thrust of the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), whose mandate we are convinced should be extended for another year.

It is precisely in the interest of continuing the peace process that we will not object to the draft resolution before us now, the general thrust of which we agree with. However, Russia cannot support this draft resolution, and, for the first time in the last two years, it has refused to join the sponsors of the draft resolution in the Security Council on this subject, since the Russian amendments on questions of principle were not taken on board.

Operative paragraph 5, which expresses support for the declaration of the meeting of the Peace Implementation Conference, which took place on 23 and 24 May 2000 in Brussels, is not acceptable to us.

As the Council is aware, Russia was compelled to refuse to participate in that meeting, since its organizers adopted a discriminatory approach to the Federal Republic of Yugoslavia. It did not allow one of the direct participants — a signatory to the Dayton Agreement — to work in that forum.

Russia refused to participate in the meeting of the Peace Implementation Council in Brussels. We believe that the Brussels Declaration has no force since the meeting of the Council was conducted virtually in violation of Dayton.

We are categorically opposed to attempts to oust the Federal Republic of Yugoslavia from all multilateral mechanisms on a settlement in the former Yugoslavia. We have repeatedly warned that the policy

of further isolating and enforcing a blockade against the Federal Republic of Yugoslavia reflects the desire of certain individual States unilaterally to undo the decisions endorsed by the Security Council in the area of a settlement. That policy is counterproductive and could have very serious consequences for the entire Balkan region and for international efforts to stabilize the situation in that part of Europe.

Moreover, we have serious problems also with the provision of the draft that extends the reporting period of the United Nations Mission in Bosnia and Herzegovina from three to six months. We warned ahead of time that Russia would object to possible proposals to move the reports of the High Representative to a six-month cycle. We deem this to be an attempt to weaken oversight by the Security Council over the Bosnian settlement process.

Russia, as a participant in the Dayton Agreement, will continue consistently to see that it is fully and unswervingly implemented. We will act against any revision or undermining of it and against any reduction of the role of the Security Council in ensuring the strict implementation of the agreements that it has endorsed.

The President (*spoke in French*): It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2000/591) before it. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bangladesh, Canada, China, France, Jamaica, Malaysia, Mali, Namibia, Netherlands, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Russian Federation

The President (*spoke in French*): The result of the voting is as follows: 14 votes in favour, none against, and 1 abstention. The draft resolution has been adopted as resolution 1305 (2000).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Wang Yingfan (China) (*spoke in Chinese*): China has always supported the peace process in Bosnia and Herzegovina, and it is in this spirit that we voted in favour of the draft resolution before us.

We note that the text of the resolution still contains elements in support of the Declaration of the Ministerial meeting of the Peace Implementation Council, held in Brussels in May of this year. In our view, as a signatory to the Dayton Agreement, the Federal Republic of Yugoslavia should have been invited to the meeting. Isolating and excluding the Federal Republic of Yugoslavia will not help to resolve the problem of Bosnia and Herzegovina or the other problems of the Balkan region.

Sir Jeremy Greenstock (United Kingdom): I want to make one simple point: that the United Nations Mission in Bosnia and Herzegovina has extremely important work to do. It needs the support of the Security Council, and I regard the adoption of this resolution as indicating that support.

The lack of unanimity on parts of the resolution should not be seen as detracting from that unanimous support for what the United Nations Mission is doing. Special Representative Klein and his full team have our confidence in their task to build stability in Bosnia and Herzegovina, which is so vital to the stability of the region as a whole. We want to look to the future work of the Mission as something which the Security Council values, will follow with great interest and will support with unanimity.

Mr. Vámos-Goldman (Canada): Canada would like to express its strong support for the exceptional work being done by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) under the leadership of Special Representative Jacques Paul Klein. He and his staff can count on the continued support of the international community as they carry out their responsibilities as mandated by the Security Council.

The United Nations has an important role to play in implementing the Dayton/Paris Peace Accord. To this end, the work of the Peace Implementation Council has an impact on the execution of UNMIBH's mandate. It is therefore right that the Security Council recognize this linkage accordingly in the resolution we have adopted today by supporting the Brussels Declaration.

Canada fully supported the decision not to invite the Federal Republic of Yugoslavia to the Peace Implementation Council Ministerial meeting in Brussels. As we argued at the time, along with the majority of our Steering Board partners, the Belgrade regime, under the leadership of indicted war criminal Slobodan Milosevic, has consistently sought to actively undermine the implementation of the Dayton Peace Agreement.

As my Government made clear at that meeting, we look forward to the day when a democratic Yugoslavia begins to participate constructively in the peace implementation process throughout the region. Unfortunately, this will not be possible under the current regime in Belgrade.

We regret that the Russian Federation decided not to attend the Brussels Ministerial meeting. We have worked closely with Russia in helping to bring peace to the region, and we look forward to its cooperation, as a responsible Steering Board member and an important contributor to the Stabilization Force (SFOR), in bringing about the full implementation of the Brussels Declaration.

Mr. Cunningham (United States of America): We also regret that the resolution did not receive consensus support, but I am pleased to note, as did Ambassador Greenstock, that the role of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and its very important effort does have the unanimous support of the Council, as well it should. We also fully support the Peace Implementation Council and its role in the implementation of Dayton. Indeed, its role is vital and merits Council support, as contained in this resolution.

My Government feels strongly that the Council should not weaken its support of the High Representative or the Peace Implementation Conference process. We fully supported the decision by the Peace Implementation Council Steering Board not to invite the Federal Republic of Yugoslavia to its recent Ministerial meeting in Brussels. In our view, the Government of the Federal Republic of Yugoslavia has done nothing since it walked out of the December 1998 Madrid Peace Implementation Council Ministerial to support implementation of the Dayton Accords or to merit its participation in the Peace Implementation Council process.

The President (*spoke in French*): There are no other speakers on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.50 a.m.

United Nations S/PV.4163

Security Council

Distr.: General
21 June 2000
English
Original: English and French

Official communiqué of the 4163rd meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters, New York, on Wednesday, 21 June 2000, at 11.25 a.m.

At its 4163rd meeting, held in private on 21 June 2000 at 11.25 a.m., the Security Council considered the situation in Sierra Leone.

In accordance with the understanding reached in the Council's prior consultations, the Security Council met with the delegation of the Economic Community of West African States (ECOWAS) Mediation and Security Council Committee of Six on Sierra Leone. The delegation was comprised of the Minister for Foreign Affairs of Mali (leader of the delegation), the Ministers for Foreign Affairs of Ghana, Liberia, Nigeria and Togo, and the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations, to whom invitations were extended in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure; and the Executive Secretary of ECOWAS, who was invited in accordance with rule 39 of the Council's provisional rules of procedure.

The members of the Security Council and of the Ministerial Committee had a full discussion of the current situation in Sierra Leone. They agreed that their common aim, in accordance with the objectives set out in the Lomé Agreement, was to restore stability and normality throughout Sierra Leone, putting an end to violence and encouraging reconciliation between all parties to the conflict.

Council members and the ECOWAS Committee condemned the continued detention by the RUF of United Nations peacekeepers of the Indian contingent of UNAMSIL, and the denial of freedom of movement to a large number of other United Nations personnel in the east of the country. They demanded the immediate and unconditional release of all United Nations personnel detained or surrounded, recalled the mandate given by the Heads of State and Government of ECOWAS to the President of Liberia to obtain the release of the remaining hostages and called on all leaders in the region to ensure this is brought about speedily.

It was the common position of members of the Security Council and members of the ECOWAS delegation that the terms of the Lomé Agreement have been flouted by the violation of the ceasefire, the attacks on UNAMSIL and the taking of

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hostages. With the help of appropriate inquiries, those identified as responsible should be brought to justice.

Members of the Security Council and the ECOWAS delegation expressed their concern about the humanitarian situation in Sierra Leone and called upon all parties to ensure safe and unhindered access of humanitarian assistance to those in need in Sierra Leone, in particular the refugees and displaced persons, women and children. They called upon all States, international and other organizations to provide urgent and substantial humanitarian assistance to the people of Sierra Leone.

Members of the Security Council commended the ECOWAS States for their enormous sacrifice and contribution to the cause of peace and stability in Sierra Leone and called on ECOWAS members to continue to support peacekeeping efforts in Sierra Leone.

The members of the ECOWAS delegation look to the United Nations to continue providing the Government of Sierra Leone with the necessary assistance to restore law and order in the country and resuming security control throughout the territory. Members of the Security Council informed the members of the ECOWAS delegation of ongoing discussion within the Security Council on draft resolutions concerning the strengthening of UNAMSIL, the control of diamond exports and arms imports and on the provision of justice.